
NEW YORK STATE

REGISTER

INSIDE THIS ISSUE:

- Excelsior Jobs Program
- Sanitary Condition of Shellfish Lands
- Medical Consent

Regulatory Agenda

Rule Review

Notice of Availability of State and Federal Funds

Adjudicatory Reports

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 March 14, 2021
- the 45-day period expires on February 27, 2021
- the 30-day period expires on February 12, 2021

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

Rule Making Activities

Civil Service, Department of

1 / Jurisdictional Classification (P)

Economic Development, Department of

2 / Excelsior Jobs Program (E)

Environmental Conservation, Department of

4 / Sanitary Condition of Shellfish Lands (E)

Health, Department of

7 / Consumer Directed Personal Assistance Program Reimbursement (A)

People with Developmental Disabilities, Office for

10 / Medical Consent (EP)

Public Service Commission

11 / Extension of the SUSF (A)

12 / Waiver of Individual Metering Requirements in 16 NYCRR Part 96 (A)

12 / Disposition of a Sales Tax Refund Received by New York American Water, Inc. (P)

Temporary and Disability Assistance, Office of

12 / Supplemental Security Income (SSI) Additional State Payments (A)

16 / Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP) (A)

Thruway Authority, New York State

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

Hearings Scheduled for Proposed Rule Makings / 18

Action Pending Index / 19

Regulatory Agenda

71 / Temporary and Disability Assistance, Office of

Rule Review

73 / Temporary and Disability Assistance, Office of

Securities Offerings

81 / State Notices

Advertisements for Bidders/Contractors

83 / Sealed Bids

Notice of Availability of State and Federal Funds

87 / Housing and Community Renewal, Division of

Miscellaneous Notices/Hearings

89 / Notice of Abandoned Property Received by the State Comptroller

89 / Public Notice

Adjudicatory Reports

93 / Temporary and Disability Assistance, Office of

RULE MAKING ACTIVITIES

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

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

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

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-02-21-00001-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify 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 Taxation and Finance, by adding thereto the positions of Special Investment Officer (3).

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.

Consolidated Regulatory Impact Statement

1. Statutory Authority: The New York State Civil Service Commission is authorized to promulgate rules for the jurisdictional classification of offices within the classified service of the State by Section 6 of the Civil Ser-

vice Law. In so doing, it is guided by the requirements of Sections 41, 42 and 43 of this same law.

2. Legislative Objectives: These rule changes are in accord with the statutory authority delegated to the Civil Service Commission to prescribe rules for the jurisdictional classification of the offices and positions in the classified service of the State.

3. Needs and Benefits: Article V, Section 6, of the New York State Constitution requires that, wherever practicable, appointments and promotions in the civil service of the State, including all its civil divisions, are to be made according to merit and fitness. It also requires that competitive examinations be used, as far as practicable, as a basis for establishing this eligibility. This requirement is intended to provide protection for those individuals appointed or seeking appointment to civil service positions while, at the same time, protecting the public by securing for it the services of employees with greater merit and ability. However, as the language suggests, the framers of the Constitution realized it would not always be possible, nor indeed feasible, to fill every position through the competitive process. This point was also recognized by the Legislature for, when it enacted the Civil Service Law to implement this constitutional mandate, it provided basic guidelines for determining which positions were to be outside of the competitive class. These guidelines are contained in Section 41, which provides for the exempt class; 42, the non-competitive class and 43, the labor class. Thus, there are four jurisdictional classes within the classified service of the civil service and any movement between them is termed a jurisdictional reclassification.

The Legislature further established a Civil Service Department to administer this Law and a Civil Service Commission to serve primarily as an appellant body. The Commission has also been given rulemaking responsibility in such areas as the jurisdictional classification of offices within the classified service of the State (Civil Service Law Section 6). In exercising this rule-making responsibility, the Commission has chosen to provide appendices to its rules, known as Rules for the Classified Service, to list those positions in the classified service which are in the exempt class (Appendix 1), non-competitive class (Appendix 2), and labor class (Appendix 3).

In effect, all positions, upon creation at least, are, by constitutional mandate, a part of the competitive class and remain so until removed by the Civil Service Commission, through an amendment of its rules upon showing of impracticability in accordance with the guidelines provided by the Legislature. The guidelines are as follows. The exempt class is to include those positions specifically placed there by the Legislature, together with all other subordinate positions for which there is no requirement that the person appointed pass a civil service examination. Instead, appointments rest in the discretion of the person who, by law, has determined the position's qualifications and whether the persons to be appointed possess those qualifications. The non-competitive class is to be comprised of those positions which are not in the exempt or labor classes and for which the Civil Service Commission has found it impracticable to determine an applicant's merit and fitness through a competitive examination. The qualifications of those candidates selected are to be determined by an examination which is sufficient to insure selection of proper and competent employees. The labor class is to be made up of all unskilled laborers in the service of the State and its civil divisions, except those which can be examined for competitively.

4. Costs: The removal of a position from one jurisdictional class and placement in another is descriptive of the proper placement of the position in question in the classified service, and has no appreciable economic impact for the State or local governments.

5. Local Government Mandates: These amendments have no impact on local governments. They pertain only to the jurisdictional classification of positions in the State service.

6. Paperwork: There are no new reporting requirements imposed on applicants by these rules.

7. Duplication: These rules are not duplicative of State or Federal requirements.

8. Alternatives: Within the statutory constraints of the New York State Civil Service Commission, it is not believed there is a viable alternative to the jurisdictional classification chosen.

9. Federal Standards: There are no parallel Federal standards and, therefore, this is not applicable.

10. Compliance Schedule: No action is required by the subject State agencies and, therefore, no estimated time period is required.

Regulatory Flexibility Analysis

The proposal does not affect or impact upon small businesses or local governments, as defined by Section 102(8) of the State Administrative Procedure Act, and, therefore, a regulatory flexibility analysis for small businesses is not required by Section 202-b of such act. In light of the fact that this proposal only affects jurisdictional classifications of State employees, it will not have any adverse impact on small businesses or local governments.

Rural Area Flexibility Analysis

The proposal does not affect or impact upon rural areas as defined by Section 102(13) of the State Administrative Procedure Act and Section 481(7) of the Executive Law, and, therefore, a rural area flexibility analysis is not required by Section 202-bb of such act. In light of the fact that this proposal only affects jurisdictional classifications of State employees, it will not have any adverse impact on rural areas.

Job Impact Statement

The proposal has no impact on jobs and employment opportunities. This proposal only affects the jurisdictional classification of positions in the Classified Civil Service.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-02-21-00002-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 classify 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 Law, by increasing the number of positions of Assistant Attorney General from 678 to 691, Investigator 1 from 182 to 202 and Special Assistant from 22 to 23.

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-02-21-00003-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 exempt class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of the Governor," by increasing the number of positions of Special Assistant from 7 to 8.

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-02-21-00004-E

Filing No. 925

Filing Date: 2020-12-23

Effective Date: 2020-12-23

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

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

Statutory authority: Economic Development Law, section 356

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: Chapter XIX of the Regulations of the Commissioner of Economic Development is hereby amended as follows:

Chapter XIX Excelsior Jobs Program

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 March 22, 2021.

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, record keeping 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, record keeping 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.

Department of Environmental Conservation

EMERGENCY RULE MAKING

Sanitary Condition of Shellfish Lands

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

Filing No. 928

Filing Date: 2020-12-28

Effective Date: 2020-12-28

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

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

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

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

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

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

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

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

Subject: Sanitary Condition of Shellfish Lands.

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

Substance of emergency rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/106687.html>): The New York State Department of Environmental Conservation (Department) proposes to amend 6 NYCRR Part 41 to reclassify certain shellfish lands.

(1) Reclassifications impacting multiple towns:

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

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

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

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

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

Brookhaven (North Shore) & Smithtown: The year-round uncertified

area at the head of Stony Brook Harbor will be expanded in size by 70 acres to a total of 147 acres.

(2) Reclassifications impacting individual towns:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

East Hampton: The seasonally uncertified dates for Three Mile Harbor near Sedge Island will be extended from May 15 through October 15, to April 1 through November 30.

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

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

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

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

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

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

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

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

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

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

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

(3) Technical Changes:

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. ENV-42-20-00003-EP, Issue of October 21, 2020. The emergency rule will expire February 25, 2021.

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

Additional matter required by statute: The Department has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to Article 8 of the ECL, the State Environmental Quality Review Act.

Regulatory Impact Statement

1. Statutory authority:

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

2. Legislative objectives:

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

3. Needs and benefits:

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

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

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

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

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

4. Costs:

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

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

In 2019, there were 1,585 licensed shellfish diggers in New York State. The actual number of those individuals who harvest shellfish commercially

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

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

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

5. Local government mandates:

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

6. Paperwork:

None.

7. Duplication:

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

8. Alternatives:

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

9. Federal standards:

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

10. Compliance schedule:

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

Regulatory Flexibility Analysis

1. Effect of rule:

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

The Department of Environmental Conservation (Department) periodically conducts examinations of all shellfish lands within the marine district to ascertain the sanitary condition of these areas. As a result of these examinations, the Department designates lands as certified or uncertified for the harvest of shellfish. Any change in the designation of shellfish lands may have an effect on shellfish diggers. Each time shellfish lands, or portions of shellfish lands, are designated as uncertified, there may be

some loss of income for shellfish diggers who are harvesting shellfish from the lands to be closed. This loss may be determined by the acreage to be closed, the type of closure (whether year-round or seasonal), the species of shellfish present in the area, the area's productivity, and the market value of the shellfish resource in the particular area.

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

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

Management and law enforcement authority for shellfish is shared between New York State, Nassau and Suffolk Counties, and local governments, including the towns of: Hempstead, North Hempstead, Oyster Bay, Babylon, Islip, Brookhaven, Southampton, East Hampton, Southold, Shelter Island, Riverhead, Smithtown, and Huntington. Changes in the classification of shellfish lands impose no additional requirements on local governments above the level of management and enforcement that they currently perform; therefore, the Department expects that there will be no effect on local governments.

2. Compliance requirements:

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

3. Professional services:

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

4. Compliance costs:

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

5. Economic and technological feasibility:

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

6. Minimizing adverse impact:

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

7. Small business and local government participation:

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

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

None.

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

The rule will be reviewed in three years.

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) has determined that this rule would not impose an adverse impact on rural areas. This rule making only affects the marine and coastal district of New York State; there are no rural areas within the marine and coastal district. Additionally, the shellfish fishery is entirely located within the marine and coastal district and is not located adjacent to any rural areas of New York

State. The proposed rule would not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas would be affected by the proposed amendments, the Department has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

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

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

In contrast, designating an area as certified can have positive impacts on harvesting opportunities. New certified areas can result in financial benefits for commercial fisherman and increased opportunities for recreational shellfish harvesters. Increasing the amount of certified shellfish harvesting areas can provide a financial benefit due to the increased availability of shellfish resources.

2. Categories and numbers affected:

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

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

3. Regions of adverse impact:

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

4. Minimizing adverse impact:

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

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

5. Self-employment opportunities:

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

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

The rule will be reviewed in three years.

Department of Health

NOTICE OF ADOPTION

Consumer Directed Personal Assistance Program Reimbursement

I.D. No. HLT-53-19-00012-A

Filing No. 926

Filing Date: 2020-12-24

Effective Date: 2021-01-13

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

Action taken: Amendment of section 505.28 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 363-a(2), 365-f; Public Health Law, section 201(1)(v)

Subject: Consumer Directed Personal Assistance Program Reimbursement.

Purpose: To establish a program to pay home care services and establish a methodology framework for the payment of FI administrative costs.

Text of final rule: Subdivision (b) of section 505.28 is amended by renumbering paragraphs (7)-(12) as (8)-(13) and adding new paragraph (7), to read as follows:

(7) *fiscal intermediary administrative costs means the allowable costs incurred by a fiscal intermediary for performance of fiscal intermediary services under section 365-f(4-a) of the Social Services Law and fiscal intermediary responsibilities under subdivision (i) of this section.*

Subdivision (j) of section 505.28 is amended to read as follows:

(j) Payment.

(1) The department will pay fiscal intermediaries that are enrolled as Medicaid providers and have contracts with social services districts for the provision of consumer directed personal assistance services at rates that the department establishes and that the Director of the Division of the Budget approves[, except as provided in paragraph (2) of this subdivision].

[(2) A social services district may submit a written request to the department to use an alternative payment methodology. The request must describe the alternative payment methodology that the district will use to determine payments to fiscal intermediaries for consumer directed personal assistance services and include such other information as the department may require. The department may grant a district’s exemption request when it determines that the alternative payment methodology is based on the fiscal intermediary’s allowable costs of providing consumer directed personal assistance services and includes an adjustment for inflationary increases in the fiscal intermediary’s costs of doing business.]

[(3)2] No payment to the fiscal intermediary will be made for authorized services unless the fiscal intermediary’s claim is supported by documentation of the time spent in provision of services for each consumer.

(3) *As authorized by paragraph (1) of this subdivision, and notwithstanding any portion of section 505.14 of this Part, the rates of reimbursement for fiscal intermediary administrative costs shall solely be made on a per consumer per month basis, with three tiers of payments. Each tier shall represent a range of authorization levels based on the number of direct care hours of consumer directed personal assistance services authorized for that consumer in a particular month and the different levels in fiscal intermediary administrative costs associated with each tier of authorization. The tiers of payment for fiscal intermediary administrative costs shall be as follows:*

Tier	Direct Care Hours Authorized Per Month	Monthly Rate per Consumer
Tier 1	1 – 159	\$145
Tier 2	160 – 479	\$384
Tier 3	480+	\$1,036

(4) *Nothing in paragraph (3) of this subdivision shall impact wages or wage related requirements for consumer directed personal assistants nor impact the ability of Medicaid managed care organizations to reimburse fiscal intermediaries for fiscal intermediary administrative costs pursuant to their provider contracts.*

Final rule as compared with last published rule: Nonsubstantial changes were made in section 505.28(j)(3) and (4).

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

Revised Regulatory Impact Statement

Statutory Authority:

Social Services Law (“SSL”) § 363-a and Public Health Law (“PHL”) § 201(1)(v) provide that the Department of Health (“Department”) is the single state agency responsible for supervising the administration of the State’s medical assistance (“Medicaid”) program and for adopting such regulations, not inconsistent with law, as may be necessary to implement the State’s Medicaid program.

The State’s Medicaid program includes the Consumer Directed Personal Assistance Program (“CDPAP”) authorized by SSL § 365-f. All social services districts must assure access to CDPAP. SSL § 367-p(c).

The Department may promulgate regulations necessary to carry out the program’s objectives, which includes the provision of and payment for home care services. SSL § 365-f(1) and (5)(b). The proposed amendment to the CDPAP regulation is within the Department’s statutory rulemaking authority as it sets forth a required framework for the method of reimbursing Fiscal Intermediary (“FIs”) for administrative costs associated with personal assistant services.

Legislative Objectives:

The Legislature’s objective in enacting SSL § 365-f was to establish the CDPAP program to permit chronically ill and/or physically disabled individuals receiving home care services under the medical assistance program greater flexibility and freedom of choice in obtaining such services, while ensuring that Medicaid funds are appropriately spent. This regulation keeps in place all CDPAP eligibility rules and benefits, while adjusting the methodology for paying FIs.

Needs and Benefits:

Historically, the State has reimbursed FIs for administrative services based on the number of hours of CDPAP services the local social services district authorizes for each consumer receiving services. However, this methodology has led to the inefficient allocation of resources, because the payment for administrative services is, in many instances, disproportionate to administrative costs.

Administrative costs include those associated with maintaining time records, health status records and processing wages and benefits. Although these costs increase to some degree for higher needs cases, the increase is not linear, and paying administrative costs in direct proportion to hours of care provided leads to FIs receiving administrative cost payments that in some cases far exceed actual administrative costs.

The Department’s rate methodology uses a per consumer per month (“PMPM”) payment structure with three tiers of monthly administrative rates that are associated with different levels of expected utilization as determined by the consumer’s service authorization. This rate methodology is also referred to as the Monthly Rate of reimbursement per Consumer for each tier of authorization, or simply the “Monthly Rate.” For any particular case, the FI will be reimbursed the Monthly Rate that is associated with the number of direct care hours authorized for the particular Consumer. To determine the initially proposed Monthly Rates corresponding to each tier, the Department relied on managed long-term care plans cost reports, previous FI cost reports, specific cost analyses furnished by FIs to the Department, and other information furnished to the Department by FIs.

Since proposing the FI administrative rate, the Department has collected additional, more recent cost reports from home care providers and FIs. The new cost report data, in combination with other data provided by commenters, has enabled the Department to update many of the values used to determine the Monthly Rate. The newly proposed rates are based on the following:

- Statewide distribution of consumers by tier (76.5% Tier 1, 22.1% Tier 2, and 1.3% Tier 3);
- The average number of personal assistants providing services to CDPAP consumers per tier of authorized hours;
 - o Tier 1 – one and a half personal assistant per consumer;
 - o Tier 2 – three personal assistants per consumer; and
 - o Tier 3 – seven personal assistants per consumer.
- The reasonable cost of processing payroll and performing payroll related administrative tasks, which was validated based on externally collected data (i.e., \$8.78 per month per personal assistant);
- Payment of \$10.42 per month per personal assistant, regardless of the health insurance status of the personal assistant, to cover the cost of health status assessment and immunizations for personal assistants;
- One full-time equivalent FI staff worker per 40 CDPAP consumers, which was based on discussions with FIs, to perform the FI’s administrative duties, with the assumption that the FI staff worker has a weighted average per hour total compensation cost (inclusive of fringe, overtime, payroll taxes, and training expenses) of \$45.65, reflective of the manage-

ment level positions, based on prevailing wage data and information furnished to the Department by the FI industry;

- Overhead costs for each FI (i.e., \$1.25 per month per personal assistant), which is inclusive of estimated costs for space rental, maintenance of an electronic visit verification system, cost reporting, billing system customization and maintenance, direct compliance costs, quality monitoring, and annual risk assessment requirements, and overhead costs associated with the discharge of an FI’s statutory and regulatory obligations. Consistent with appropriate rate setting methodologies, overhead is not intended to reimburse for costs associated with “best practices” that are not necessary to comply with an FI’s statutory or regulatory obligations.

Based on this analysis and the stated need for this change in methodology, the Department will use the Monthly Rate payment structure uniformly across the state. Accordingly, the Department no longer requires the discretion to grant social services districts the ability to use alternative payment methodologies when determining payments to FIs under 18 NYCRR § 505.28(j)(2). As a result, the former paragraph (2) has been deleted from subdivision (j) and the remaining paragraphs have been renumbered.

Notice of the new payment methodology will be issued to local departments of social services soon through an ADM. This methodology will better align administrative costs and reimbursement.

Costs to Regulated Parties:

There will be no additional costs to private regulated parties as a result of the regulation because the information required to bill under this revised reimbursement methodology is already available and used by FIs to determine whether services are billable to Medicaid under the current methodology. It also reflects a simplification as compared to current billing requirements because the number of monthly direct care hours received by a consumer is no longer needed for claiming the Monthly Rate. Given that the proposed methodology does not involve the collection of new information, the Department anticipates that any costs to FIs to modify or customize their billing systems and processes will be de minimis and included within the overhead costs used by the Department in constructing the new rates.

Costs to State Government:

There is no additional aggregate increase in Medicaid expenditures anticipated as a result of the proposed regulation. Costs should decrease as reimbursement is brought into better alignment with actual costs.

Costs to Local Government:

Local districts’ share of Medicaid costs is statutorily capped; therefore, there will be no additional costs to local governments as a result of the proposed regulation.

Costs to the Department of Health:

There will be no additional costs to the Department as a result of the proposed regulation.

Local Government Mandates:

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

Paperwork:

The proposed regulations do not impose any new forms, reporting or other paperwork requirements on fiscal intermediaries or other entities.

Duplication:

The proposed regulations do not duplicate any existing federal, state or local regulations nor do they exceed any minimum federal standards.

Alternatives:

As discussed in the needs and benefits section, above, the Department has determined, based on the most recent information and cost data it received from managed long-term care plans, FIs and commenters, that the current reimbursement methodology for reimbursing FIs for administrative costs does not align with the actual costs incurred by FIs. For this reason, the Department has determined that it is neither necessary nor prudent to commit to a methodology framework that maintains the current rate setting method for payments to FIs.

Commenters raised a number of potential alternative methodologies. After due consideration and analysis, and as further described below in the comment summary and responses, the Department determined that none of these alternative methodologies would better achieve the purposes of, and need for, these regulations.

Federal Standards:

The proposed regulations do not exceed any minimum federal standards.

Compliance Schedule:

There is no compliance schedule imposed by this amendment, which shall be effective upon publication of a notice of adoption.

Revised Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulations change the methodology by which FIs serving the CDPAP are reimbursed for their statutory and regulatory administrative obligations. This regulation primarily affects FIs in the delivery of

these administrative services. FIs are typically not-for-profit entities, such as independent living centers, but may also include for-profit entities and entities licensed as home care services agencies. The Department currently considers that many FIs are likely to be small businesses. There are currently approximately 450 FIs in New York State.

Depending on the number of CDPAP consumers served by an FI and the number of direct care hours authorized for those CDPAP consumers in a given month, many FI entities are likely to experience a decrease in reimbursement for their administrative services as compared to the current reimbursement methodology. This decrease in reimbursement is a result of the objective to promote state-wide program uniformity and comparability by providing uniform methodologies and amounts paid to FIs based on service authorization and FI administrative costs in connection with performing their identified roles and responsibilities for personal assistants, consumers, local social services districts, and managed care organizations.

Compliance Requirements:

The regulations do not impose new compliance requirements on FIs that contract with social services districts or managed care organizations for the provision of CDPAP services to Medicaid recipients.

Professional Services:

No new or additional professional services are required in order to comply with the proposed regulations.

Compliance Costs:

No capital costs would be imposed as a result of the proposed regulations. Nor would there be annual costs of compliance.

Economic and Technological Feasibility:

There are minimal economic costs or technology requirements associated with the proposed regulations. The information required by the regulations for FIs to bill for their administrative costs is already collected by and accessible to FIs. Given that the FIs use this same information to bill under the current reimbursement methodology, the Department does not expect the need for FIs to have to reconfigure substantially their billing systems or processes.

Minimizing Adverse Impact:

The proposed regulations should not have an adverse economic impact on social services districts. Districts currently assess Medicaid recipients who are exempt or excluded from managed care enrollment to determine whether they are eligible for CDPAP. Pursuant to the proposed regulations, districts would receive the benefits of reimbursing FIs based on a uniform and consistent reimbursement methodology. Given the desired uniformity of this reimbursement methodology, the Department has determined that permitted alternative payment methodologies that social services districts may use—and which would constitute an administrative burden to design and implement—are no longer necessary. Accordingly, the Department anticipated enhanced administrative convenience for social services districts.

Small Business and Local Government Participation:

The Department solicited comments on the proposed regulations from FIs, consumers, managed care organizations, and local social services district. Specifically, a FI Workgroup for CDPAP was established in the State Fiscal Year 2019-20 established budget through Chapter 57 of the Laws of 2019 – Part G. The FI Workgroup was composed of consumers, consumer advocate groups, independent living centers, statewide associations of FIs, local social services districts, and managed care organizations. The FI Workgroup met four separate times on May 15, 2019, June 26, 2019, July 10, 2019, and August 7, 2019, and discussed topics and issues related to these proposed regulations and other topics pertinent to the operations of FIs and the important role they serve with consumers in CDPAP. Additionally, over 9,400 comments were received on the proposed regulations. The Department revised the proposed regulations based on these comments, including increasing the amounts reimbursed under each authorization tier based on data and information furnished by commenters, which are designed to prevent unnecessary FI closures and minimize any adverse impact on FIs and consumers by preserving access.

Cure Period:

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

Revised Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule and rates apply uniformly to all FIs throughout the state, including to any FIs that operate in any of the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

All FIs, including those serving rural counties, would be reimbursed by the Medicaid program using the reimbursement methodology set forth in these regulations. These regulations do not apply to rates negotiated between managed care organizations and FIs in these counties.

There are no new capital or additional operating costs associated with the proposed regulations.

Minimizing Adverse Impact:

The regulations are designed to have minimal impact on rural areas. In response to the comments on the proposed regulations, the Department increased the Monthly Rate of reimbursement per Consumer for each tier of authorization. Moreover, by electing to apply a weighted average wage component to the methodology, rural counties benefit from the uniform rate given that these counties likely have lower wage costs compared to FIs in urban areas.

Rural Area Participation:

The Department sought public commentary from across the state. The FI Workgroup included representation from across the states, including representatives from local social services districts in Chautauqua and Greene counties, managed care organizations that serve members in rural areas, and associations that represent FIs from rural counties. Additionally, of the more than 9,400 public comments received, a substantial number came from consumers or stakeholders representing FIs located in rural counties. These comments were considered and were reflected in the revised regulations, including the increased reimbursement that are being uniformly applied across the state and disproportionately benefit FIs located in rural counties with traditionally lower wage costs.

Revised Job Impact Statement

Nature of Impact:

It is anticipated that no persons will be adversely affected. Certain commenters cited potential closure under the proposed regulations due to inadequate rates that failed to account to wage and overhead costs. In response, the Department considered this commentary and new data furnished by commenters and increased the Monthly Rates to (1) better ensure that there is more appropriate alignment between administrative costs and payments, and (2) promote the sustainability of FIs to perform their responsibilities and ensure that no persons—either consumers in CDPAP, personal assistants who serve people in CDPAP, or employees of FIs are impacted by the rates. Staff within FIs will have to become familiar with the new reimbursement methodology and how it impacts billing, but the information that FIs need to collect for billing remains unchanged and, in fact, has been simplified in that it utilizes only the authorized monthly direct care hours, rather than the monthly direct care hours utilized by consumers. The rule does not change any training or experience requirements.

Categories and Numbers Affected:

This rule affects FIs that will be reimbursed under a different methodology for their administrative costs.

Regions of Adverse Impact:

No rural areas will be adversely affected.

Minimizing Adverse Impact:

Alternatives to the proposed regulations were considered, but the Department determined that these alternatives would not minimize adverse impact.

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

Notice of adoption of rulemaking pursuant to the authority vested in the New York State Department of Health by Section 365-f of the Laws of 1992.

A Notice of Proposed Rule Making was initially published in the State Register on December 31, 2019. During the public comment period, the Department received over 9,400 comments from consumers of consumer directed personal assistance services (CDPAS); consumer designated representatives; consumer directed personal assistants; Consumer Directed Personal Assistance Coalition (CDPAC); New York State Association of Health Care Providers (HPC); LeadingAge New York; Center for Disability Rights; Long Island Center for Independent Living (LICIL); Consumer Directed Choices Inc.; Bond, Schoeneck & King, PLLC; Caring Professionals; Consumer Directed Personal Assistance Association of New York State (CDPAANYS); NYS Home Care Association (HCA); New York Association on Independent Living (NYAIL); Premier Home Health Care Services; Southern Tier Independence Center; and Western NY Independent Living.

All comments received were reviewed and evaluated. In response to comments and the data provided to the Department, the Department increased the Monthly Rate per Consumer for: (1) Tier 1 from \$64 to \$145; (2) Tier 2 from \$164 to \$384; and (3) Tier 3 from \$522 to \$1,036. These revisions are reflected in the followable table contained in 18 NYCRR § 505.28(j):

Tier	Direct Care Hours Authorized Per Month	Monthly Rate per Consumer
Tier 1	1 – 159	\$145
Tier 2	160 – 479	\$384
Tier 3	480+	\$1,036

Several proposed revisions were not incorporated because they were not consistent with the statutory authority underlying the proposed rulemaking, were determined infeasible or not preferable to the proposed rulemaking, or concerned issues outside the scope of the proposed rulemaking.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Medical Consent

I.D. No. PDD-02-21-00005-EP
Filing No. 929
Filing Date: 2020-12-29
Effective Date: 2020-12-29

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

Proposed Action: Amendment of section 633.11 of Title 14 NYCRR.
Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

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

Specific reasons underlying the finding of necessity: The COVID-19 pandemic has impacted the population with developmental disabilities among the hardest, with higher than average rates of infection in congregate residential facilities, significant medical impacts due to preexisting comorbidities, and increased rates of death. The COVID-19 vaccine has been prioritized for Phase 1a of distribution to this population, yet some of the most vulnerable individuals served by OPWDD will have increased wait times due what can be a very lengthy review process by the Surrogate Decision Making Committee; a process generally reserved for issues of more complex medical treatment.

This emergency adoption of amendments provides additional means for obtaining consent for medical treatment to address the immediate need and high volume of reviews needed for Willowbrook class members and for individuals who lack capacity to consent on their own behalf and also lack the support of involved family to help make the decision to receive a potentially lifesaving vaccine. This regulation must be issued by emergency regulation to assure consent for, and timely immunization of, this cohort of individuals with developmental disabilities. Emergency adoption is necessary to protect the immediate health, safety, and welfare of individuals with developmental disabilities who live in congregate settings and are awaiting a lifesaving vaccine.

Subject: Medical Consent.

Purpose: To assist providers in administering the COVID-19 vaccine.

Text of emergency/proposed rule: Existing subparagraph 633.11(a)(1)(iii)(7) is amended and added to read as follows:

(iii) Informed consent may be obtained for those persons who are residents of a facility operated or certified by OPWDD as follows:

(a) If a person is less than 18 years of age, consent shall be obtained from one of the surrogates listed, in the order stated:

- (1) a guardian lawfully empowered to give such consent;
- (2) an actively involved (see section 633.99 of this Part)

spouse;

- (3) a parent;
- (4) an actively involved adult sibling (see section 633.99 of this Part);

this Part);

- (5) an actively involved adult family member (see section 633.99 of this Part);

(6) a local commissioner of social services with custody over the person pursuant to the Social Services Law or Family Court Act (if applicable); [or]

(7) *the Informed Consent Committee (see section 633.16 of this Part), convened by an individual's residential provider, for the limited purpose of providing consent for a COVID-19 vaccine; or*

(8) a surrogate decisionmaking committee (SDMC) (see section 633.99 of this Part) or a court of competent jurisdiction.

Existing subparagraph 633.11(a)(1)(iii)(b)(7) is amended and added to read as follows:

(b) If a person is 18 years of age or older, but lacks capacity to understand appropriate disclosures regarding proposed professional medical treatment or a determination of insufficient capacity has been made pursuant to clause (g) of this subparagraph, informed consent to such proposed professional medical treatment shall be obtained from one of the surrogates listed, in the order stated:

(1) a guardian lawfully empowered to give such consent or the person's duly appointed health care agent or alternative agent (see section 633.20 of this part and Article 29-C of the Public Health Law);

- (2) an actively involved spouse;
- (3) an actively involved parent;
- (4) an actively involved adult child;
- (5) an actively involved adult sibling;
- (6) an actively involved adult family member;

(7) the Consumer Advisory Board (see section 633.99 of this part) for the Willowbrook Class [only for class members it fully represents]; [or]

(8) *the Informed Consent Committee (see section 633.16 of this Part), convened by an individual's residential provider, for the limited purpose of providing consent for a COVID-19 vaccine; or*

(9) a surrogate decision making committee (SDMC) or a court of competent jurisdiction.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire March 28, 2021.

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

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

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

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

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

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of care and services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of care and services.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The regulations amend Title 14 New York Codes Rules and Regulations (NYCRR) Part 633.11 in order provide an additional method for obtaining consent for medical treatment, specifically the COVID-19 vaccine, for individuals who lack capacity to consent on their own behalf and lack the support of a guardian or involved family. The amendment expands access to the Consumer Advisory Board for Willowbrook class members and broadens the jurisdiction of a surrogate decision-making panel which already exists in law and in operation, providing efficient access to consent review to this population statewide. These changes are necessary to ensure equal access to a potentially lifesaving vaccine, for individuals who lack capacity to consent on their own behalf, during a global pandemic.

3. Needs and Benefits: The proposed regulation amends Title 14

NYCRR Part 633.11 to set forth additional means for obtaining consent for the administration of the COVID-19 vaccination for individuals with developmental disabilities who lack capacity to consent on their own behalf and who lack the support of a family member to assist. These changes are necessary to ensure equal access to a potentially lifesaving vaccine, for individuals who lack capacity to consent on their own behalf, during a global pandemic. The Surrogate Decision Making Committee, generally reserved for much more significant medical decisions, does not have the resource capacity for the volume of reviews that would be needed to ensure access to COVID vaccines for the OPWDD population.

4. Costs:

a. Costs to the Agency and to the State and its local governments: No additional costs to OPWDD. Informed consent committees already exist as required by OPWDD regulations. Additional costs to the NYS Justice Center will be avoided by promulgation of this emergency regulation, by reducing what would otherwise become a sudden onset and high volume of consent reviews requiring review by the Surrogate Decision Making Committee.

b. Costs to private regulated parties: No additional costs to regulated providers. Informed consent committees are already required to be empaneled by these same providers within pre-existing OPWDD regulations and these providers already have access to the necessary documents and records.

5. Local Government Mandates: No service, duty or responsibility are imposed on local governments as a result of this rule.

6. Paperwork: OPWDD residential providers are already required to be able to empanel Informed Consent Committees for purposes of providing consent on behalf of individuals in other circumstances. The majority of the paperwork involved is already in the possession of the residential providers, and accessible to the Consumer Advisory Board, which will enable a much more streamlined process than relying on the Surrogate Decision Making Committee.

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

8. Alternatives: The alternative to increasing consent-giving capacity of the Informed Consent Committees is to rely exclusively on the Surrogate Decision Making Committee and/or bringing applications for review to a Court of competent jurisdiction, which is a very time consuming and costly proposition. These regulations are necessary to ensure equity of the COVID-19 vaccines for public health, public welfare, and public safety.

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

10. Compliance Schedule: OPWDD plans to adopt the regulations as an Emergency Adoption. The effective date for enforcement of the regulation will be upon filing. The proposed regulations were discussed with and reviewed by representatives of providers, the NYS Justice Center, on behalf of the Surrogate Decision Making Committee, Mental Hygiene Legal Services and the Willowbrook Consumer Advisory Board in advance of this proposal. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

Regulatory Flexibility Analysis

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

The emergency/proposed regulations amend Title 14 NYCRR Subpart 633.11 to allow an additional means of obtaining consent for individuals to receive the COVID-19 vaccine, in situations where there is no other person to make that election for them, such as lack of a guardian or incapacity. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Part 633.11 in order to provide an additional way to obtain consent for medical treatment, specifically the COVID-19 vaccine. The regulation will not result in an adverse impact on rural communities because the regulation applies to all providers of these services. The proposed regulation will not result in

costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The proposed regulation amends Title 14 NYCRR Part 633.11 in order to provide for additional means of consent to medical treatment in response to the Public Health Emergency. The regulation expands the jurisdiction of a surrogate decision-making panel, which already exists in regulation and in operation, in order to obtain consent for the COVID-19 vaccine. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

NOTICE OF ADOPTION

Extension of the SUSF

I.D. No. PSC-48-19-00007-A

Filing Date: 2020-12-23

Effective Date: 2020-12-23

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

Action taken: On 12/17/20, the PSC adopted an order adopting the terms of a joint proposal executed by local exchange carriers represented by the New York State Telecommunications Association (NYSTA ILECs) for an extension of the State Universal Service Fund (SUSF).

Statutory authority: Public Service Law, sections 4, 5, 90, 91, 92, 94 and 97

Subject: Extension of the SUSF.

Purpose: To adopt the terms of a joint proposal extending the SUSF.

Substance of final rule: The Commission, on December 17, 2020, adopted an order adopting the terms of a joint proposal executed by the smaller incumbent local exchange carriers represented by the New York State Telecommunications Association: Armstrong Telephone Company – New York; Berkshire Telephone Corporation; Cassadaga Telephone Corporation; Champlain Telephone Company; Chautauqua & Erie Telephone Corporation; Chazy & Westport Telephone Corporation; Citizens Telephone Company of Hammond, NY, Inc.; Crown Point Telephone Corporation; Delhi Telephone Company; Dunkirk and Fredonia Telephone Company; Empire Telephone Corporation; Fishers Island Telephone Corporation; Germantown Telephone Company, Inc.; Hancock Telephone Company; Margaretville Telephone Company, Inc.; Middleburgh Telephone Company; Newport Telephone Company, Inc.; Nicholville Telephone Company; Oneida County Rural Telephone; Ontario Telephone Company, Inc.; Pattersonville Telephone Company; State Telephone Company, Inc.; Taconic Telephone Corporation; TDS Telecom - Deposit Telephone Company; TDS Telecom - Edwards Telephone Company; TDS Telecom - Port Byron Telephone Company; TDS Telecom - Township Telephone Company; TDS Telecom - Vernon Telephone Company, Inc.; and Trumansburg Telephone Company, Inc. (NYSTA Smaller ILECs) for an extension of the State Universal Service Fund (SUSF) for an additional two-year term, from December 31, 2020 through December 31, 2022. The terms of the joint proposal are adopted and incorporated with the Commission's authority to modify the joint proposal when warranted, 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.

(15-M-0742SA2)

NOTICE OF ADOPTION

Waiver of Individual Metering Requirements in 16 NYCRR Part 96**I.D. No.** PSC-32-20-00015-A**Filing Date:** 2020-12-23**Effective Date:** 2020-12-23

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

Action taken: On 12/17/20, the PSC adopted an order approving St. Paul's Center's (St. Paul's) petition for a waiver of individual metering requirements in 16 NYCRR Part 96 for the new facility at 214 Washington Avenue, Rensselaer, 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: Waiver of individual metering requirements in 16 NYCRR Part 96.

Purpose: To approve St. Paul's petition for a waiver of individual metering requirements in 16 NYCRR Part 96.

Substance of final rule: The Commission, on December 17, 2020, adopted an order approving St. Paul's Center's (St. Paul's) petition for a waiver of individual metering requirements in 16 NYCRR Part 96 for the new facility at 214 Washington Avenue, Rensselaer, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid. The waiver is expressly conditioned on the continued use of the building as an assisted living residence for the provision of services for residents of St. Paul's. The waiver shall terminate if the building is put to a different use, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-E-0308SA1)

**PROPOSED RULE MAKING
HEARING(S) SCHEDULED**

Disposition of a Sales Tax Refund Received by New York American Water, Inc.**I.D. No.** PSC-02-21-00006-P

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

Proposed Action: The Commission is considering a petition filed on December 15, 2020, by New York American Water Company, Inc. for the disposition of a sales tax refund received from the New York State Department of Taxation and Finance.

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

Subject: Disposition of a sales tax refund received by New York American Water, Inc.

Purpose: To determine the disposition of tax refunds and other related matters.

Public hearing(s) will be held at: 10:00 a.m., April 19, 2021. The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 20-W-0654. (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-W-0654.

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 Public Service Commission is considering a December 15, 2020 petition by New York American Water, Inc. (NYAW) for the disposition of a sales tax refund, pursuant under PSL Section 113(2).

NYAW seeks through the petition for the Commission to take notice of the sales tax refund and waive an otherwise applicable rule requiring it to give the Commission notice of the refund within 60 days. NYAW proposes that the refund be allocated for (1) the benefit of ratepayers; and (2) to reimburse the costs incurred by NYAW in securing the refund.

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: 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-W-0654SP1)

**Office of Temporary and
Disability Assistance**

NOTICE OF ADOPTION

Supplemental Security Income (SSI) Additional State Payments**I.D. No.** TDA-26-20-00007-A**Filing No.** 930**Filing Date:** 2020-12-29**Effective Date:** 2021-01-13

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

Action taken: Amendment of Part 398 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(3)(d), 22(8), 207, 209 and 212

Subject: Supplemental Security Income (SSI) Additional State Payments.

Purpose: To amend State regulations to clarify certain aspects of the State Supplement Program (SSP), including, but not limited to: (1) who is eligible to participate in the SSP based on the initial eligibility determination transmitted from the Social Security Administration to New York State (NYS) via the State Data Exchange process; (2) the intended uses for SSP or State Supplemental Personal Needs Allowance benefit issuances; (3) that benefits will not be issued once a participant's death has been verified; (4) time frames for timely reporting by SSP participants and circumstances under which underpayment and retroactive benefits will issue; and (5) that NYS has the right to operate the SSP under State rules.

Substance of final rule: The Office of Temporary and Disability Assistance (OTDA) amends 18 NYCRR Part 398 relative to Supplemental Security Income (SSI) Additional State Payments. The revised full text of the rule is posted at <http://otda.ny.gov/legal/regulatory-activities.asp>. Revisions to the regulatory text made since the proposed regulations were published in the July 1, 2020 issue of the New York State Register are non-substantive in nature and do not materially alter its purpose, meaning, or effect. Revisions were made to 18 NYCRR §§ 398-2.1(e) and (j), 398-4.2(a)(1), 398-5.1 and 398-8.1(b)(5) to remove brackets from the proposed regulatory text, thereby maintaining existing text related to cross-references. Revisions were made to 18 NYCRR §§ 398-2.1(i), (l), (aa),

(af), (ag), (ao) and (ap), 398-3.1, 398-3.3, 398-4.1(a), 398-4.2 and 398-4.2(a)(2), 398-4.3, 398-4.4(a), 398-8.1(b)(5) and (8), 398-11.3 and 398-14.1 to make technical fixes, including adding an apostrophe, deleting an extra word, fixing the underlining of new text, changing letters from upper to lower case, replacing “for” with “or” and adjusting spacing. Consequently, a Notice of Revised Rule Making is unnecessary.

Subpart 398-1:

Amend § 398-1 to clarify the scope and purpose of the rule – namely, to provide the framework for the State Supplement Program (SSP) – and to make technical revisions.

Subpart 398-2:

Amend § 398-2 to make clarifying revisions to the terms used in this Part. The proposed regulatory amendments add the following definitions: “active receipt of SSI”; “federal payment status codes potentially eligible for SSP benefits”; “minor child”; “State Supplement Program benefit issuances”; “State Supplement Program benefit levels”; and “timely reporting”. The following definitions would be removed: “additional state payments”; “child”; “mandatory SSP benefit”; and “optional SSP benefit”. In addition, clarifying updates would be made to the definitions of: “aid continuing”; “countable income”; “countable resources”; “designated representative”; “eligible couple”; “eligible individual”; “eligible spouse”; “good cause”; “interim assistance reimbursement process”; “Medical Assistance program”; “notice of action”; “office”; “overpayment”; “parental control”; “public institution”; “representative payee”; “retroactive benefits”; “State benefit rate”; “State living arrangements”; “State standard of need”; “State supplement program benefit”; “State supplement program”; “SSP-only recipient”; “State supplemental personal needs allowance”; “Supplemental Security Income Program”; “temporary absence”; “timely notice”; and “underpayment”. Existing definitions remaining unchanged would be relettered as needed to accommodate aforementioned revisions.

Subpart 398-3:

Amend § 398-3.1 to make technical updates and clarifying revisions pertaining to an individual’s or couple’s eligibility for the Supplemental Security Personal Needs Allowance (SSPNA), when eligibility for SSPNA is deemed to begin, and the date on which SSPNA benefits are payable.

Amend § 398-3.2 to make technical updates.

Amend § 398-3.3 to make technical updates.

Subpart 398-4:

Amend § 398-4.1 to make technical updates and clarifying revisions pertaining to an individual’s or couple’s eligibility for participation in the State Supplement Program (SSP), when eligibility for SSP is deemed to begin, and the date on which SSP benefits are payable.

Amend § 398-4.2 to make technical updates and clarifying revisions providing that, to be eligible for SSP benefits, an individual or couple must be in active receipt of federal Supplemental Security Income (SSI) benefits or otherwise be in active receipt of SSI benefits at the time the relevant federal Social Security Administration (SSA) electronic data file is transmitted to New York State (NYS) via the State Data Exchange (SDX).

Amend § 398-4.3 to make technical updates and clarifying revisions providing that OTDA is bound by the actions taken by SSA on the SSI eligibility determination at the time the relevant federal SSA electronic data file is transmitted to NYS via the SDX and further clarifying that notices issued by SSA shall not be used to determine eligibility for SSP benefits.

Amend § 398-4.4 to make technical updates and clarifying revisions replacing “standard of need” with “benefit rate” in the calculation for monthly SSP benefit amount and repealing language in subdivision (c) stating “except that a supplemental benefit will be issued when a move to a new living arrangement after the first day of the month is financially advantageous to the SSP recipient”.

Amend § 398-4.5 to add clarifying language providing that if there is discrepancy between the living arrangement information reported to SSP by the SSP participant and the Supplemental Nutrition Assistance Program (SNAP) record, the information on household composition in the SNAP record will take precedence, and to make technical updates throughout the section.

Amend § 398-4.6(a) to add clarifying language providing that OTDA will issue SSP benefits to persons in active receipt of SSI as of such time that the federal SSA electronic data file, containing such individual’s or couple’s relevant SSI eligibility determination, is transmitted to NYS via the SDX by the same manner in which such persons receive SSI benefits, and to make technical updates throughout the section.

Amend § 398-4.7 to make technical updates.

Subpart 398-5:

Amend § 398-5.1 to make technical updates.

Amend § 398-5.2 to replace “applicants and recipients” with “SSP recipients” and to make technical updates.

Subpart 398-6:

Amend § 398-6.1 to replace “applicants and recipients” with “SSP recipients”; and to make technical updates.

Amend § 398-6.2 to replace “applicants and recipients” with “SSP recipients”; amend the response time to requests for information and/or documentation made by OTDA from 30 calendar days to 10 days from the date of the request, and to make technical updates.

Subpart 398-7:

Amend § 398-7.1 to make clarifying revisions regarding eligibility to participate in the SSP or otherwise be eligible for SSPNA, and to make technical updates.

Subpart 398-8:

Amend § 398-8.1(a) to reference “recipients of SSP benefits or SSPNA” and to make technical updates.

Amend § 398-8.1(b) to make technical updates and to eliminate from “the office has received an unequivocal, written statement signed by the recipient indicating that he or she no longer wishes to receive SSPNA or SSP benefits” from the list of circumstances under which only an adequate notice of action will be issued to recipients of SSP benefits or SSPNA.

Subpart 398-9:

Amend §§ 398-9.1–398-9.3 to replace references to “payments” with references to “benefits”.

Subpart 398-10:

Amend §§ 398-10.1–398-10.4 to reference “SSP benefits or SSPNA” and to make technical updates.

Subpart 398-11:

Amend § 398-11.1 to clarify that no SSP retroactive benefits or underpayment adjustments will be paid to individuals who are not in active receipt of SSI benefits.

Amend § 398-11.2 to reference “SSP benefits or SSPNA” and to make technical updates.

Amend § 398-11.3 to repeal existing regulatory language and replace it with a formula for calculating an underpayment and to clarify that corrective action will be taken if an underpayment occurs and that underpayments may only be issued to currently active SSP recipients.

Subpart 398-12:

Amend § 398-12.1 to replace references to “payments” with references to “benefits” and to reference “SSP benefits or SSPNA”.

Amend § 398-12.2 to replace references to “SSD” with references to “district”.

Amend § 398-12.3 to make technical updates.

Subpart 398-13:

Amend § 398-13.1 to replace a reference to “SSD” with a reference to “district”.

Amend § 398-13.2 to make technical updates.

Amend § 398-13.3 to make a technical update.

Amend § 398-13.4 to remove references to “applicant” in favor of “recipient” and to make technical updates.

Subpart 398-14:

Amend § 398-14.1 to reference “SSP and SSPNA programs” and to make technical updates.

Final rule as compared with last published rule: Nonsubstantive changes were made in sections 398-2.1(e), (i), (j), (l), (aa), (af), (ag), (ao), (ap), 398-3.1, 398-3.3, 398-4.1(a), 398-4.2, 398-4.2(a)(1), (2), 398-4.3, 398-4.4(a), 398-5.1, 398-8.1(b)(5), (8), 398-11.3 and 398-14.1.

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., New York State Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Revised Regulatory Impact Statement

1. Statutory authority:

Social Services Law (SSL) § 17(a)-(b) and (k) provide, in part, that the Commissioner of the Office of Temporary and Disability Assistance (OTDA) shall “determine the policies and principles upon which public assistance, services and care shall be provided within the state both by the state itself and by the local governmental units ...,” shall “make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers ...,” and shall “exercise such other powers and perform such other duties as may be imposed by law.”

SSL § 20(3)(d) authorizes OTDA to promulgate regulations to carry out its powers and duties.

SSL § 22(8) requires OTDA to promulgate regulations as may be necessary to administer its fair hearings process.

SSL § 207 establishes an independent New York State (NYS) program of additional State payments for eligible aged, blind and disabled persons to assist them with basic needs conditioned upon their current receipt of federal Supplemental Security Income.

SSL § 209 sets forth the requirements under which an individual who applies for, and is determined to be eligible for current ongoing receipt of Supplemental Security Income (SSI) benefits shall be eligible to receive additional State payments, and the State Supplement benefit payment levels thereunder as determined by NYS.

SSL § 212 provides that OTDA shall be responsible for providing such additional State payments to eligible residents of NYS if there is no agreement in effect with the Social Security Administration (SSA) for federal administration and shall take all “actions necessary to effectuate the provisions of this title.”

2. Legislative objectives:

It was the intent of the Legislature in enacting SSL §§ 20(3)(d), 207, 209 and 212 that OTDA establish rules, regulations and policies to effectuate the purposes of the State Supplement Program (SSP), which will administer SSI additional State payments. SSL §§ 20(3)(d) and 22(8) also enable OTDA to establish rules in order to help ensure that the due process rights of recipients are protected in connection to OTDA’s fair hearings process.

3. Needs and benefits:

The regulatory amendments are intended to provide clarification and consistency in the continuing operation of the SSP and to align State regulations with current SSP policies and procedures.

On October 1, 2014, OTDA assumed administrative and programmatic responsibility for the SSP from the federal SSA. The primary reason for this change in administration was to reduce the administrative costs associated with the operation of the SSP, and the administrative change has resulted in significant savings to taxpayers. In accordance with the provisions of NYS’s previous agreement with the SSA, SSA operated and administered the SSP on behalf of NYS under the same federal rules which applied to the federal SSI program, thereby facilitating SSA’s operation of both programs from an administrative standpoint.

NYS is not obligated, either by statute or regulation, to administer the SSP under the same federal rules applied under SSA administration of the SSP; however, ongoing participation in SSP is limited to those individuals/couples who either are in receipt of federal SSI benefits or who would be in receipt of SSI benefits except for reasons of countable income. As such, NYS is permitted to apply additional rules and conditions for participation in SSP. The regulatory amendments will clarify that participation in SSP is extended only to those individuals/couples whose SSA record, as transmitted electronically from the SSA via the State Data Exchange (SDX) file transfer process, provides that the relevant SSA eligibility determination is either: that the individual/couple is currently in active receipt of federal SSI benefits; or that the individual/couple is ineligible for SSI benefits solely because the individual/couple’s countable income exceeds the federal benefit rate (FBR), but does not exceed the state standard of need as calculated based on the applicable state living arrangement category. The regulatory amendments will further clarify that only those individual/couples who are active SSP recipients may receive retroactive benefits and/or underpayments. An additional clarification regarding underpayments adds language that an underpayment may be issued only to an active SSP participant, and that eligibility to receive a restored payment of SSP benefits on account of such underpayment is conditional upon continuous and uninterrupted active pay status for SSP or State Supplemental Personal Needs Allowance (SSPNA) during the underpayment period.

The regulatory revisions provide additional clarification regarding issuance of SSP or SSPNA benefits after a participant’s death. The regulatory amendments will also address timely reporting by SSP participants and a mandatory 90-day processing period prior to initial issuance of benefits.

The regulatory amendments to 18 NYCRR § 398-2.1 will add the following definitions: “active receipt of SSI”; “federal payment status codes potentially eligible for SSP benefits”; “minor child”; “State Supplement Program benefit issuances”; “State Supplement Program benefit levels”; and “timely reporting”. The following definitions have been removed: “additional state payments”; “child”; “mandatory SSP benefit”; and “optional SSP benefit”. In addition, revisions were made to the definitions of: “aid continuing”; “countable income”; “countable resources”; “designated representative”; “eligible couple”; “eligible individual”; “eligible spouse”; “good cause”; “interim assistance reimbursement process”; “Medical Assistance program”; “notice of action”; “office”; “overpayment”; “parental control”; “public institution”; “representative payee”; “retroactive benefits”; “State benefit rate”; “State living arrangements”; “State standard of need”; “State supplement program benefit”; “State supplement program”; “SSP-only recipient”; “State supplemental personal needs allowance”; “Supplemental security income program”; “temporary absence”; “timely notice”; and “underpayment”. The regulatory amendments will provide more concise definitions that more closely align with current SSP policies and procedures than those currently contained in existing State regulations.

The regulatory amendments will also effectuate technical revisions to current State regulations, including, but not limited to: changing references to “federal” from capital to lower-case; replacing the term “payment” with the term “benefit”; and repeal of several terms including “applicant”, “additional”, “mandatory” and “optional” to render the State regulatory language clearer and more concise.

4. Costs:

There will be no new cost associated with the regulatory amendments for the State Government, including OTDA, or for the local governments, insofar as the regulatory amendments will be largely consistent with and are intended merely to clarify past practices and existing policy.

5. Local government mandates:

The regulatory amendments will not require any new resources, procedures, or expertise to support implementation. The SSP is entirely administered by OTDA and does not require social services districts (districts) to operate any portion of the program.

6. Paperwork:

There will be no additional reporting requirements or additional paperwork required to support the regulatory amendments.

7. Duplication:

The regulatory amendments will not duplicate, overlap or conflict with any existing State or federal regulations.

8. Alternatives:

An alternative is to leave all sections of the current 18 NYCRR § 398 intact. However, the regulatory amendments are needed to provide consistency and clarity to current State regulations and to align State regulations with current SSP policies and procedures; consequently, OTDA does not consider inaction as a viable alternative to the regulatory amendments.

9. Federal standards:

The regulatory amendments will not conflict with federal standards for use of resources.

10. Compliance schedule:

The regulatory amendments will become effective upon publication of the Notice of Adoption in the New York State Register.

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

Changes made to the published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement. The revisions made to 18 NYCRR Part 398 at §§ 398-2.1(e), (i), (j), (l), (aa), (af), (ag), (ao) and (ap), 398-3.1, 398-3.3, 398-4.1(a), 398-4.2, 398-4.2(a)(1) and (a)(2), 398-4.3, 398-4.4(a), 398-5.1, 398-8.1(b)(5) and (8), 398-11.3 and 398-14.1 are non-substantive in nature and do not materially alter the purpose, meaning, or effect of the enumerated regulatory sections and do not necessitate modification of the analysis contained in the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Office of Temporary and Disability Assistance (OTDA) received public comments relative to the State Supplement Program (SSP) regulations following their publication in the July 1, 2020 issue of the New York State Register. The following represents a summary and analysis of such comments.

Comment 1:

The Regulatory Impact Statement (RIS) in support of the regulatory amendments is deficient pursuant to State Administrative Procedure Act (SAPA) § 202-a(3)(a) because it neither includes an analysis of the statutory authority for the regulatory proposal nor identifies the legislative objectives of the regulatory amendments.

Response 1:

Section 1 of the Revised RIS contains an updated analysis of the statutory authority. The legislative objectives are detailed in § 2, specifically that OTDA, “establish rules, regulations and policies to effectuate the purposes of the [State Supplement Program]”.

Comment 2:

The regulatory amendments would conflict with state law. 18 NYCRR § 398-3.2(b) would require that an individual or couple must be in “active receipt” of SSI [Supplemental Security Income] benefits in order to be eligible for State Supplemental Personal Needs Allowance (SSPNA) benefits – and, the commenters suggest, per 18 NYCRR § 398-3.3, “only as of such time that the relevant federal SSA [Social Security Administration] electronic data file is transmitted to [New York State] via the State Data Exchange (SDX).” The regulatory amendments are inconsistent with the eligibility requirements set forth in Social Services Law (SSL) § 209(1)(b), which states that “[a] person who is properly receiving [SSI] benefits shall be deemed to have met the eligibility criteria contained in ... this subdivision”. It is impermissible for OTDA to promulgate regulations that are inconsistent with state law.

Response 2:

OTDA is in compliance with SSL §§ 207 and 209. SSP benefits are

provided to recipients who are blind, disabled, and/or over the age of 65, have countable income less than the standard of need established by their living arrangement, have countable resources that do not exceed the limitations of Title XVI of the federal Social Security Act, and are residents of New York State, meeting citizenship requirements. OTDA guidelines are supported as codified in 18 NYCRR Part 398.

Comment 3:

18 NYCRR § 398-6.2 would shorten the timeframe for SSI recipients to respond to requests for information/documentation made by OTDA from 30 days to 10 days; however, the reduction would be inconsistent with the 30-day period provided in the federal SSI program per 20 Code of Federal Regulations (CFR) § 416.714(b) insofar as responses to these requests may require gathering, copying and returning written documentation and may involve actions by both the applicant and a representative payee, the longer 30-day time frame is more appropriate and should be retained.

Response 3:

While OTDA uses information provided by SSA to determine eligibility for SSP benefits, the program is administered by OTDA, and OTDA is authorized to establish policies and procedures that differ from those used at SSA (see SSL §§ 17(a)-(b) and (k), 20(3)(d), and 212). Income eligibility programs such as the Home Energy Assistance Program (HEAP), the Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance (TA) use a standard minimum of 10 days for submission of requested documentation. The addition of a definition of timely reporting brings SSP into alignment with other OTDA programs as previous versions of the regulations contained no such definition. The change also standardizes the time limits across the SSP program, regardless of whether someone is reporting a change or responding to a request from the office for information/documentation.

Comment 4:

18 NYCRR §§ 398-1.1, 398-2.1(a), (g), (u), (aa), and (aq), 398-3.2, 398-4.2, 398-4.3, 398-4.4(a), 398-4.6(a), 398-11.1, 398-11.1 and 398-11.3 – which would limit retroactive SSP benefit payments to only “active participants” – would adversely impact beneficiaries, including, but not limited to, those individuals or couples who would only be eligible for SSP during the five-month waiting period for Title II (Social Security Disability Insurance [SSDI]) benefits, or those whose SSI benefits were suspended due to “technical reasons either before or very shortly after they were put into pay.” The comment recommends that the regulatory amendments “be revised to provide that SSP retroactive benefits be made to any individual currently eligible for SSI or to any individual awarded only retroactive SSI benefits, without regard to that individual’s current eligibility for SSI.”

Response 4:

Participation in SSP is limited to those individuals and couples who either are in active receipt of federal SSI benefits or who would be in receipt of SSI benefits except for reasons of countable income. Retroactive benefits are intended for and paid to these eligible recipients with current and ongoing needs pursuant to SSL § 209 and the 18 NYCRR Part 398 regulations.

Comment 5:

Adoption of the regulatory amendments’ limitation on retroactive payments to only “active participants” would conflict with prior legal precedent and OTDA-generated fair hearing determinations directing OTDA to pay benefits to persons who were eligible for SSI for a closed period, and represents an overreach of OTDA’s authority.

Response 5:

The regulations are made within OTDA’s authority under current law and merely clarify, not contradict, longstanding interpretation of policy and practice.

Comment 6:

Recommends revising 18 NYCRR §§ 398-1.1, 398-2(aa), 398-2(aq), and 398-11.3 to include language consistent with 20 CFR § 416.20145(b) permitting underpayments to spouses of deceased SSI/SSP beneficiaries.

Response 6:

SSI benefits are not paid to deceased individuals and cannot be re-assigned to their heirs, estates, or any other persons after their death. In cases where an underpayment adjustment is warranted due to agency error, SSP will correct such an error irrespective of the individual’s death. Eligibility for SSP is determined on an individual basis, including for members of couples, and ceases upon death.

Comment 7:

Recommends revising 18 NYCRR § 398-2.1(u) to retain language providing that a notice of action be sent to applicants for, as well as recipients of, SSP and that the language restricting the application of notice provisions to those “currently eligible” be removed.

Response 7:

In order to participate in SSP individuals or couples residing in New York State must apply to the SSA and be found currently eligible for ongoing SSI benefits, or not eligible due to income. This is the triggering and

sole determinative event for potential participation in SSP benefits. In this context, 18 NYCRR § 398-1.1 states that SSP benefit issuances are intended to support current and ongoing need. SSP’s noticing procedure is designed to adhere to that regulation, and to notice recipients or potential SSP recipients regarding their eligibility to participate in SSP, and their current and/or ongoing need. If a potential recipient’s case status changes from inactive to active for ongoing SSI benefits, SSP will send them a notice at that time, as well as any time there is any subsequent change to their case or eligibility status. Where the Office is provided information from the SSA regarding a potential SSP recipient whose income is above federal SSI standards for receipt of ongoing SSI benefits, such potential SSP recipient is provided a notice including fair hearing rights as regards their eligibility for SSP based upon State income criteria for SSP.

Any person, currently eligible for ongoing SSP or denied such eligibility due to being over-income for SSP based upon State criteria will receive notice of any change or denial of benefits including fair hearing rights.

Comment 8:

Recommends revising 18 NYCRR §§ 398-2.1 and 398-4.5 to include language clarifying that, regarding living arrangements, in the event of a discrepancy between a current report from a recipient and the recipient’s SNAP case record, and where reliance on the latter would result in a lower benefit rate, OTDA will contact the recipient or their authorized representative directly in order to resolve said discrepancy.

Response 8:

If a recipient is reporting all their current information and updates to the SNAP and SSP programs, there should not be a discrepancy. The living arrangement categories of both programs are designed to align, so a recipient who would be categorized as “living alone” for SSP would have their own SNAP case, whereas a recipient who SSP would categorize as “living with others” would have other household members listed on their SNAP case. Where SSP effects a change in a recipient’s benefits in light of discrepant living arrangement information reflected by SNAP the recipient is provided a notice reflecting the change in benefits including fair hearing rights. Any discrepancy that could arise may indicate a discrepancy in the information as reported to the two programs, which would require the recipient to contact SNAP and/or SSP to provide updated or corrected information.

Comment 9:

The regulatory amendments’ methodology of determining living arrangement – which “[relies] upon household composition information in an SSP recipient’s SNAP case record as determinative of the living arrangement” could “deprive significant benefits [of] SSP recipients who are properly categorized living alone under SSP.” Additionally, “SNAP records are not updated frequently and so the information is often outdated”; moreover, the restrictions on underpayments in the regulatory amendments “would limit or eliminate recovery based on such error.” The commenter suggests that OTDA “use SNAP records ... [to identify] one person in SNAP households with an SSI/SSP income code to ensure that their SSP benefits are ... [accurately distributed to persons with a ‘living alone’ arrangement].”

Response 9:

SNAP recipients should be reporting any changes in their household within the required time limit for change reporting. Any time they provide information that would change their SSP living arrangement, they should also report that information to SNAP, which should assure that the recipient’s SNAP record is up-to-date and eliminate potential for discrepancies with the living arrangement information in the recipient’s SSP record.

Comment 10:

Regarding timely reporting:

(a) Recommends revising 18 NYCRR §§ 398-2.1(ap) and 398-6.1–398-6.2 to add language clarifying the timely reporting requirements, including (1) the methodology for calculating the 10-day period; (2) for mailed responses, clarification as to whether OTDA will be required to retain envelopes for postmarks; (3) for telephone responses, clarification as to whether OTDA will be required to maintain a telephone log documenting an applicant’s or recipient’s unsuccessful attempts to respond timely; and (4) adding language providing protection for applicants/recipients who timely report information to the SSA instead of to OTDA.

(b) Recommends revising 18 NYCRR §§ 398-2.1(ap) and 398-6.2 to include language providing a five-day grace period from the date of mailing of documents between SSP applicants/recipients and OTDA, consistent with 20 CFR § 416.1401 and § 2103(b)(2) of the Civil Practice Law and Rules (CPLR).

(c) Recommends the same revision to the regulatory amendments at 18 NYCRR § 398-6.1, regarding reporting of changes in circumstances, and that this section be further revised to include language consistent with the federal SSI regulation requiring the reporting of such changes in circumstances within 10 days after the close of the month in which the subject change occurs (see 20 CFR § 416.714[a]).

(d) Recommends that each of the aforementioned sections be revised to

incorporate language consistent with the federal SSA's Program Operations System Manual (POMS) regarding offering SSI recipients assistance, as necessary, in complying with requests for necessary information (see POMS Subchapter SI 02301.200, Suspensions, Stop Payments, Terminations, and Reestablishing Eligibility – General), and language consistent with 18 NYCRR §§ 351.5–351.6.

(e) Asserts that the reduced time limitations set forth in 18 NYCRR §§ 398-2.1(ap), 398-5.2 and 398-6.2 would be unduly burdensome to elderly, blind and disabled individuals and should be removed.

Response 10:

(a): (1) The 10-day period references calendar days. (2) OTDA scans and attaches a copy of all written correspondence and documentation received into the SSP recipient's electronic case file. The SSP System maintains a permanent record of the date each document is entered and attached to the case file. (3) All calls to the SSP Customer Support Center in which a recipient or their representative provides identifying information are automatically logged and date-stamped in that recipient's electronic case file. Maintaining a separate log of telephone contacts represents a duplication of effort. (4) OTDA receives updates on SSP recipient cases directly from SSA through the SDX. Changes to these cases made at the federal level which include but are not limited to the restoration, suspension, discontinuance, or termination of benefits are acted on in the order they are received from SSA. Actions taken by OTDA on these cases mirror actions taken at the federal level by SSA. Therefore, no additional language is required as this practice is clearly set forth elsewhere in the regulations.

(b): As set forth in 18 NYCRR § 398-7, OTDA will consider circumstances of specific cases that may affect a recipient's timely response to requests for information and/or submission of forms and/or documents if good cause, as defined in § 398-2.1(q), is established for delays in timely reporting.

(c): OTDA will consider circumstances of specific cases that may affect a recipient's timely response to requests for information and/or submission of forms and/or documents to determine if good cause, as defined in § 398-2.1(q), is established for delays in timely reporting.

(d): Recipients or their representatives can contact the SSP Customer Support Center to address specific concerns, which may include, but are not limited to, review of their eligibility, instruction on how to complete forms, and contact information for other federal and/or state agencies that provide services or benefits.

(e): OTDA uses a 10-day period for other means-tested assistance programs that serve similar populations. The use of the 10-day period for SSP brings the program into alignment with other OTDA program areas.

Comment 11:

Recommends revising 18 NYCRR § 398-11.3 to remove language limiting underpayments to the month the change was reported and three prior consecutive months if the underpayment was caused by untimely reporting, as defined in 18 NYCRR § 398-2.1.

Response 11:

OTDA clearly states the reporting responsibilities of SSP recipients and their representatives, both in regulations (18 NYCRR §§ 398-5.2 and 398-6) and on OTDA's website (<https://otda.ny.gov/programs/ssp/#reporting>). Setting a statute of limitation on retroactive underpayments of four calendar months when the underpayments are the result of a recipient or representative failing to report changes in a timely manner is a reasonable enforcement of program rules.

Comment 12:

Recommends revising 18 NYCRR § 398-4.1(a) by:

(a) removing the provision contained in the subdivision indicating that “[no] separate application for SSP will be accepted or required by New York State.” The commenters maintain that the creation of a separate application process for SSP, apart from SSI, “will be unduly burdensome to SSP applicants and recipients, and hinder benefits access.”

(b) Clarifying the “mandatory 90-day waiting period” referenced in this subdivision.

Response 12:

(a): Per 18 NYCRR § 398-4.1, “Individuals or couples residing in New York State who apply to the SSA for Federal SSI benefits are deemed to have concurrently filed for SSP benefits provided the individuals or each member of the couple has cooperated with SSA in establishing eligibility for SSI benefits. No separate application is required or accepted by New York State.” Therefore, an individual must submit an application for federal SSI benefits to the SSA. The SSI application is the triggering and sole determinative event for SSP. SSA shares this information with New York State, which then determines eligibility for SSP benefits based upon State criteria.

(b): SSP's 90-day processing period establishes a standard to identify recipients with current and ongoing needs back to the recipient's initial date of SSI eligibility. SSP's 90-day processing period also prevents applicants who eventually become eligible for Social Security benefits from

incurring a potential overpayment or duplicate benefits issuance, which would then require recoupment of the overpayment and pose potential hardship to the applicant.

Comment 13:

Asserts that 18 NYCRR § 398-4.3, relative to the duty to investigate discrepancies in data used to determine eligibility for SSP benefits, “would put the entire burden of determining why an official notice from the SSA is inconsistent received by OTDA via the SDX on the applicant or recipient” – a situation that “is simply not feasible for most applicants or recipients.” Specifically, the commenter suggests removing the following language:

Notices, letters or other written or electronic communications issued by the SSA regarding federal SSI eligibility which are presented to the Office by recipients, their legal representatives, or advocates for individuals or couples claiming SSP eligibility shall not be considered in determining eligibility to participate in SSP unless the information is received directly from SSA to SSP. It shall be the responsibility of the individual or couple to contact and resolve any claimed discrepancy with the SSA.

The commenter suggests incorporating the following language in 18 NYCRR § 398-4.3:

Where the applicant or recipient, or their legal representative or advocate presents information, notices, letters or other written or electronic communications issued by the SSA regarding federal SSI eligibility that has not been received directly from SSA by the [Office], the [Office] shall contact the SSA to verify the information received from the applicant or recipient.

Response 13:

18 NYCRR § 398-4.1 states that individuals or couples residing in New York State who apply to the SSA for federal SSI benefits are deemed to have concurrently filed for SSP benefits provided the individuals or each member of the couple has cooperated with SSA in establishing eligibility for SSI benefits. In order to participate in the SSP, an individual must submit an application for federal SSI benefits to the SSA. This serves as the triggering and sole determinative event for potential participation in SSP benefits. SSA shares this information with New York State, which will then determine an SSI applicant's eligibility for SSP benefits. SSP is bound by the decision SSA makes regarding eligibility; therefore, discrepancies in information provided by SSA via the SDX should be resolved with SSA, as they may affect an individual's overall eligibility for both SSI and SSP benefits. Because of 18 NYCRR § 398-4.1, when a recipient reports a discrepancy in information to SSP, SSP's first procedural step is to refer the recipient back to SSA directly to report the information and/or resolve the discrepancy with SSA. If the recipient reports to SSP that they followed the procedure and attempted to correct the discrepancy with SSA but were unsuccessful or could not resolve the discrepancy with SSA directly, SSP will contact SSA on behalf of the recipient to assist in clearing up the discrepancy.

Comment 14:

18 NYCRR § 398-4.1(a) and (c) would tether initial SSP eligibility to the date of data to the SDX, followed by a mandatory 90-day waiting period during which eligibility must be maintained, with SSP benefit payments commencing the first full month following the month of eligibility. This would inevitably delay payment of benefits insofar as the “SDX is not regularly or consistently updated and often contains inaccurate information, including entirely omitting individuals receiving SSI.” 18 NYCRR § 398-4.3 “places the burden squarely on the elderly, blind, or disabled applicant to ‘contact and resolve any claimed discrepancy with the SSA.’”

Response 14:

Pursuant to 18 NYCRR § 398-4.1, “SSA shares information [via the SDX] with New York State, which then determines an applicant's eligibility for SSP benefits. SSP is bound by SSA's eligibility decision; therefore, discrepancies in information provided by SSA via the SDX should be resolved with SSA as it may affect an applicant's overall eligibility for both SSI and SSP benefits.” SSP's 90-day processing period assists in identifying potential recipients who have a current and ongoing need that the SSP benefit was designed to address. The 90-day processing period also exists to help applicants who would go on to become eligible for Social Security benefits avoid a potential overpayment of double benefits issuance, which would then require recoupment of the overpayment and pose potential hardship to the individual.

NOTICE OF ADOPTION

Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)

I.D. No. TDA-39-20-00024-A

Filing No. 931

Filing Date: 2020-12-29

Effective Date: 2021-01-13

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

Action taken: Amendment of section 387.12(f)(3)(v)(a)-(c) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 17(a)-(b), (k), 20(3)(d), 95; 7 United States Code, section 2014(e)(6)(C); 7 Code of Federal Regulations, section 273.9(d)(6)(iii)

Subject: Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP).

Purpose: These regulatory amendments set forth the federally-approved SUAs as of 10/1/20.

Text or summary was published in the September 30, 2020 issue of the Register, I.D. No. TDA-39-20-00024-EP.

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

Text of rule and any required statements and analyses may be obtained from: Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16-C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, 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.

Assessment of Public Comment

The agency received no public comment.

New York State Thruway Authority

NOTICE OF ADOPTION

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

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

Filing No. 927

Filing Date: 2020-12-28

Effective Date: 2021-01-13

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

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

Statutory authority: Public Authorities Law, section 354(5), (10), (15); Vehicle and Traffic Law, section 1630

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

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

Text or summary was published in the October 21, 2020 issue of the Register, I.D. No. THR-42-20-00013-P.

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

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

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

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

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 5th year after the year in which this rule is being adopted.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Public Service Commission		
PSC-45-20-00004-P	Major Gas Rate Filing	Department of Public Service, 19 Fl. Board Rm., 3 Empire State Plaza, Albany, NY—February 16, 2021, 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-E-0429
PSC-45-20-00005-P	Major Electric Rate Filing	Department of Public Service, 19 Fl. Board Rm., 3 Empire State Plaza, Albany, NY—February 16, 2021, 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-E-0428
PSC-46-20-00005-P	Recommendations of the DPS Staff Report to Improve Hudson Valley Water’s Service	The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 20-W-0477—January 19, 2021, 4:00 p.m.* *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-W-0477
PSC-02-21-00006-P	Disposition of a Sales Tax Refund Received by New York American Water, Inc.	The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website (www.dps.ny.gov) under Case 20-W-0654—April 19, 2021, 10:00 a.m. (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-W-0654.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-12-20-00006-P	04/01/21	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.
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-19-20-00001-RP	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

AUDIT AND CONTROL, DEPARTMENT OF

AAC-43-20-00004-P	10/28/21	Budgets and Financial Plan Format of Public Authorities	Conform regulations related to the submission of annual budgets and financial plans to the Public Authorities Reform Act of 2009
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CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-46-19-00002-RP	04/01/21	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-04-20-00009-P	04/01/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.

Action Pending Index**NYS Register/January 13, 2021**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-46-20-00001-P	11/18/21	Amendment to community guardian program regarding who can complete the annual evaluation or examination	Amendment to community guardian program regarding who can complete the annual evaluation or examination
CFS-49-20-00006-EP	12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-51-20-00003-P	12/23/21	Outlining the procedures for requesting and conducting criminal history disqualification reviews	Outlining the procedures for requesting and conducting criminal history disqualification reviews
CIVIL SERVICE, DEPARTMENT OF			
CVS-03-20-00003-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-03-20-00004-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-03-20-00005-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-03-20-00006-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-03-20-00007-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-06-20-00001-P	04/01/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-20-00002-P	04/01/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-20-00003-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00004-P	04/01/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-20-00005-P	04/01/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-20-00006-P	04/01/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-06-20-00007-P	04/01/21	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	04/01/21	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

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

Action Pending Index

NYS Register/January 13, 2021

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-49-20-00002-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-20-00003-P	12/09/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-49-20-00004-P	12/09/21	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-20-00005-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-02-21-00001-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00002-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00003-P	01/13/22	Jurisdictional Classification	To classify a position in the exempt class
CORRECTION, STATE COMMISSION OF			
CMC-35-19-00002-P	04/01/21	Disciplinary and administrative segregation of inmates in special housing.	Prohibit the segregation of vulnerable inmates, and to standardize allowable uses and duration of special housing segregation.
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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-30-19-00010-ERP	04/01/21	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-19-20-00010-P	05/13/21	Part 364 - Conditional release conditions.	Conform to the recent changes made by the Legislature by removing the term "gravity knife".
CJS-44-20-00002-P	11/04/21	Intake for Article 7 (PINS)	Update existing Rule to reflect services which will be performed by Probation departments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
EDUCATION DEPARTMENT			
EDU-17-19-00008-P	04/01/21	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
EDU-27-19-00010-P	04/01/21	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-11-20-00013-RP	04/01/21	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-30-20-00005-RP	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-48-20-00003-P	12/02/21	Regional Bibliographic Data Bases and Interlibrary Resources Sharing Program	Update and clarify certain terminology related to the use of technology in libraries and to reflect new technologies.
EDU-52-20-00018-EP	12/30/21	Addressing the COVID-19 crisis	To address issues resulting from the COVID-19 crisis and to provide regulatory flexibility due to the COVID-19 crisis
EDU-52-20-00019-P	12/30/21	Requirements for Awarding the NYS Seal of Biliteracy	To update the requirements for awarding the NYS Seal of Biliteracy
EDU-52-20-00020-P	12/30/21	Content Core Requirement in Computer Science Teacher Preparation Programs	To make the content core requirement for the Computer Science certificate aligned with the NYS Computer Science Standards
EDU-52-20-00021-P	12/30/21	Conferral of the Degree of Doctor of Medicine (M.D.) by the Board of Regents	To conform the law with the statutory requirements for issuance of an M.D. to foreign-educated applicants
EDU-52-20-00022-P	12/30/21	Implementation of the Crown Act	To implement Chapter 95 of the Laws of 2019, known as the Crown Act
EDU-52-20-00023-EP	12/30/21	Instruction to prevent child sexual exploitation and child sexual abuse in grades K-8	Implementation of chapter 187 of the Laws of 2019
EDU-52-20-00024-P	12/30/21	Uniform Violent or Disruptive Incident Reporting (VADIR) System, Also Known as the School Safety and Educational Climate Report	Update the definitions of violent and disruptive incidents for purposes of the VADIR and update the School Violence Index
EDU-01-21-00002-EP	01/06/22	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-36-19-00003-P	04/01/21	Stationary Combustion Installations	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and lower emission standards.
ENV-37-19-00003-RP	04/01/21	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-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.
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-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department's regulations
ENV-36-20-00002-P	09/09/21	Deer Hunting Seasons	Establish a bow and muzzleloader deer hunting season in the Southern Zone during the Christmas and New Year holiday week
ENV-42-20-00003-EP	10/21/21	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-47-20-00004-P	11/25/21	Inland trout stream fishing regulations	To revise and standardize inland trout stream fishing regulations
ENV-47-20-00005-P	11/25/21	Sportfishing (freshwater) and associated activities	To revise and simplify sportfishing regulations and associated activities
ENV-01-21-00003-P	01/06/22	Regulations governing recreational fishing for striped bass	To require circle hooks when fishing recreationally for striped bass using bait
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-43-19-00017-P	04/01/21	Independent Dispute Resolution for Emergency Services and Surprise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-36-20-00007-P	09/09/21	Superintendent's Regulations: Information Subject to Confidential Treatment	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-45-20-00007-P	11/10/21	Office of Pharmacy Benefits	To establish the Office of Pharmacy Benefits and rules for the Drug Accountability Board
DFS-49-20-00011-P	12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.
DFS-52-20-00001-P	12/30/21	Principle-Based Reserving	To prescribe minimum principle-based valuation standards
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-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
SGC-44-20-00012-P	11/04/21	Allowing licensed lottery courier services to purchase and deliver lottery tickets to customers	To facilitate the sale of lottery tickets to generate additional revenue for education
SGC-50-20-00006-P	12/16/21	Participation in the management and operation of charitable games of chance	To maintain integrity and accountability in the management and operation of games of chance
SGC-50-20-00007-P	12/16/21	Contactless payment methods for chances in charitable gaming	To promote public health and support of organizations authorized to operate games of chance
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	04/01/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
HLT-40-19-00004-P	04/01/21	Drug Take Back	To implement the State's drug take back program to provide for the safe disposal of drugs
HLT-46-19-00003-P	04/01/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
HLT-47-19-00008-P	04/01/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-51-19-00001-P	04/01/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
HLT-53-19-00001-P	01/02/21	Prohibition on the Sale of Electronic Liquids with Characterizing Flavors	To prohibit the sale of electronic liquids with characterizing flavors
HLT-04-20-00003-P	04/01/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
HLT-04-20-00011-P	04/01/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
HLT-11-20-00003-P	04/01/21	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-27-20-00006-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-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-38-20-00008-EP	09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety
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
HLT-45-20-00002-P	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-21-19-00019-P	04/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
HCR-26-20-00012-EP	09/09/21	Schedule of Reasonable Costs for Major Capital Improvements in rent regulated housing accommodations	Provide a schedule of reasonable costs for Major Capital Improvements in rent regulated housing accommodations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HOUSING FINANCE AGENCY			
HFA-21-19-00020-P	04/01/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-28-20-00031-RP	07/15/21	Source of funding reporting	Clarifying amendments to Source of Funding reporting
JPE-28-20-00032-RP	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	04/01/21	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
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
LGP-43-20-00005-P	01/12/22	Stream corridor protection regulations for the Lake George Park	To establish permit requirements and standards for the protection of stream corridors in the Lake George Park
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*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
LONG ISLAND RAILROAD COMPANY			
LIR-39-20-00005-ERP	..... 09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY			
MBA-39-20-00007-EP	..... 09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
MENTAL HEALTH, OFFICE OF			
OMH-42-20-00011-EP	..... 10/21/21	Comprehensive Psychiatric Emergency Programs	To provide clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
METRO-NORTH COMMUTER RAILROAD			
MCR-39-20-00004-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
METROPOLITAN TRANSPORTATION AGENCY			
MTA-39-20-00009-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
NEW YORK CITY TRANSIT AUTHORITY			
NTA-39-20-00006-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-39-20-00023-P	09/30/21	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc	To amend procurement guidelines to reflect changes in law and clarifying language
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
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-20-00004-ERP	09/16/21	Day Habilitation Duration	to help providers maintain capacity to operate during the public health emergency
PDD-49-20-00001-P	12/09/21	Medication regimen review	Change from a semi-annual review to an annual review. Increased flexibility for providers
PDD-02-21-00005-EP	01/13/22	Medical Consent	To assist providers in administering the COVID-19 vaccine
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

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

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PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*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

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PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00013-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
PSC-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-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-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-52-19-00006-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-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00013-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-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-18-20-00015-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-24-20-00016-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the NRG Retail Companies should be permitted to offer Green Gas Products in New York.
PSC-24-20-00018-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer Green Gas Products to mass market customers in New York.
PSC-24-20-00020-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether CenStar Energy, Major Energy Services, and Spark Energy Gas should be permitted to offer Green Gas Products.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
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-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-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-29-20-00008-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
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-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-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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-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-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-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-36-20-00006-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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-40-20-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-40-20-00008-P	..... exempt	A benefit for electric utility customers in communities that host a major renewable energy facility.	To consider a just and reasonable benefit for electric utility customers in renewable host communities.
PSC-40-20-00009-P	..... exempt	Amendments clarifying the sharing of revenue from the Energy Storage Program.	To ensure that Con Edison's tariff is clear regarding sharing of revenue when annual wholesale revenues exceed contract costs.
PSC-40-20-00010-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether the petitioner should be permitted to offer green gas and home warranty products to mass market customers.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund	To consider a disposition of a municipal tax refund for customer and company benefit
PSC-41-20-00011-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Conning'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.
PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-20-00007-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
PSC-44-20-00004-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-44-20-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-20-00006-P	..... exempt	Transfer of property interests in the Union Falls Hydroelectric Facility.	To determine whether to authorize the transfer of the Union Falls Hydroelectric Facility and the proper accounting treatment.
PSC-44-20-00007-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-20-00008-P	..... exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, transfer of facilities and the proper accounting treatment.
PSC-44-20-00009-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-44-20-00010-P	..... exempt	Transfer of natural gas pipeline facilities and ownership interests in those facilities, and an applicable regulatory regime.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfers and the facility owners.
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-45-20-00006-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-20-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-46-20-00006-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage Systems 5 MW or less to the distribution system.
PSC-46-20-00007-P	..... exempt	Compliance of New York Transco LLC with the applicable portions of the Electric Safety Standards.	To consider the petition of New York Transco LLC for clarification of its responsibilities under the Electric Safety Standards.
PSC-46-20-00008-P	..... exempt	Compliance report by electric utilities on developing distribution and local transmission in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-46-20-00009-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-47-20-00006-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-47-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00006-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(a)(2)(iv) and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-48-20-00008-P	..... exempt	Proposed modifications to Rider T - Commercial Demand Response Program.	To consider revisions to Rider T - CDRP for the 2021 Capability Period.
PSC-48-20-00009-P	..... 12/02/21	Siting of major transmission facilities in new or existing rights of way that qualify for expedited process.	To establish expedited requirements for the siting, construction and operation of major transmission facilities.
PSC-49-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-20-00008-P	..... exempt	Amendments to modify provisions related to Emergency Electric Generators under General Information Section III (H).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-49-20-00009-P	..... exempt	Transfer of certain electric transmission facilities and easements.	To determine whether to authorize the proposed transfers and the proper accounting treatment.
PSC-49-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-50-20-00004-P	..... exempt	Proposed transfer of the Company's assets to the Purchasers.	To determine if transfer of the water system to the Purchasers is in the public interest.
PSC-51-20-00006-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-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00008-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 20.7%	To ensure adequate levels of Installed Capacity.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00010-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00011-P	..... exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, and transfer of facilities and the proper accounting treatment.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-20-00012-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00013-P	..... exempt	Competitive solicitations to procure 350mw of energy storage systems directed by the Commission's 2018 Energy Storage Order.	To ensure compliance with Public Service Law Section 74 and achieve state goals to install energy storage systems.
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00002-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00003-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-20-00004-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-52-20-00005-P	..... exempt	Clarification or reconsideration of a provision in a prior order.	To determine whether to clarify or reconsider a provision of a prior order regarding the implementation of Green Button Connect.
PSC-52-20-00006-P	..... exempt	Banked credit distribution rules and processes.	To ensure just and consistent banked credit distribution rules and processes.
PSC-52-20-00007-P	..... exempt	Negative performance factor adjustments applied to auto-dynamic load management and term-dynamic load management participants.	To improve multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-52-20-00008-P	..... exempt	Transfer of a natural gas pipeline and the associated certificate, and application of lightened and incidental regulation.	To determine whether the requested transfers and regulatory treatment are consistent with the law and the public interest.
PSC-52-20-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-20-00010-P	..... exempt	Proposed filing regarding capacity surcharge for ESCO transportation customers.	To ensure safe and reliable service for customer at just and reasonable rates.
PSC-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00012-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00013-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-52-20-00014-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00015-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-20-00016-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 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-52-20-00017-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's proposed financing.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00005-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-01-21-00006-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-21-00008-P	..... exempt	The revision of certain delivery rates for electric service.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
STATE, DEPARTMENT OF			
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
DOS-48-20-00010-P	..... 12/02/21	Procedures and requirements related to the filing of certificates by the Department of State's Division of Corporations	To clarify and update procedures related to the filing of certificates with the Division of Corporations
DOS-51-20-00004-P	..... 12/23/21	Fair Housing Requirements for Appraisers and Assistant Appraisers	To Mandate Fair Housing Education as a Condition of Renewal
STATE UNIVERSITY OF NEW YORK			
SUN-53-19-00005-P	..... 04/01/21	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-29-20-00004-EP	..... 07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	..... 07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020

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-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-51-20-00002-EP	12/23/21	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2021
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-46-20-00002-P	11/18/21	Payment access cards	To update State regulations pertaining to payment access cards to align with Part V of Chapter 56 of the Laws of 2020
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-50-20-00005-P	exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA	A proposal to raise additional revenue
WORKERS' COMPENSATION BOARD			
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00005-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00010-P	10/21/21	Requesting prior approval for medical treatment and care	To implement an internet portal-based submission and review process
WCB-42-20-00012-P	10/21/21	DME Fee Schedule	To replace DME fee schedule, update fees; create prior authorization process

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-48-20-00002-EP	12/02/21	Reimbursement for COVID-19 testing	To allow reimbursement for COVID-19 testing when benefits are sought due to workplace exposure to COVID-19

REGULATORY AGENDA

Office of Temporary and Disability Assistance

Pursuant to State Administrative Procedure Act (SAPA) § 202-d, the Office of Temporary and Disability Assistance (OTDA) is required to publish a regulatory agenda for those regulations that it is considering for publication in the New York State Register. Set forth below is an agenda for 2021. SAPA § 202-d does not preclude OTDA from proposing for adoption a regulation that is not described in the agenda, nor does it require OTDA to propose for adoption a regulation that is described in the agenda.

All references are to Title 18 of the New York Codes, Rules and Regulations (NYCRR) unless otherwise noted. The agenda items are organized pursuant to the Part of Title 18 NYCRR that most likely would be amended. However, the agenda items eventually could require amendments to different Parts than those listed below and/or to more than one Part of Title 18 NYCRR.

Part 301 – Veteran Assistance

Amend regulations to replace gender-specific terms with gender-neutral terms.

Part 311 – Change of Residence

Amend regulations to repeal certain residency requirements to reflect current policies and practices.

Part 340 – Public Access to Department Records under the Freedom of Information Law

Update regulations concerning public access to records under the Freedom of Information Law to reflect the current organization of the Department of Family Assistance.

Part 346 – Support Collection

Establish guidelines for the local child support enforcement units to follow in determining whether and under what circumstances a passport, which has been denied, revoked, or restricted by the United States (U.S.) Department of State due to non-payment of child support, may be released.*

Update regulations to allow for reporting increases in the amount subject to administrative enforcement in certified cases.

Part 347 – Establishment of Paternity and Enforcement of Child Support

Amend regulations concerning the establishment of paternity to reflect the acknowledgment of parentage for children born through assisted reproductive technology.

Revise regulations concerning the provision of child support services in intergovernmental cases.

Update regulations to be consistent with the federal rules regarding case closure criteria, as set forth in Title 45 Code of Federal Regulations § 303.11, and to increase the options available to social services districts to close cases, if certain conditions are met.

Part 351 – Investigation and Eligibility

Clarify provisions concerning the submission of a social security number as a condition of eligibility for public assistance.*

Part 352 – Standards of Assistance

Amend regulations to make technical updates to Part 352, including updating references to “aid to dependent children” and “home relief” with “family assistance” and “safety net assistance” respectively.

Amend regulations to implement changes to public assistance lien policy consistent with Social Services Law (SSL) § 106 to require social services districts to: obtain a signed acknowledgment form from an applicant/recipient real property owner prior to taking a real property lien; and provide the real property owner with a biennial accounting of assistance and recoveries used in determining the amount of an outstanding real property lien.*

Amend regulations to update and clarify standards pertaining to hotels and motels used as placements for recipients of temporary housing assistance.*

Amend regulations to implement changes to public assistance policy consistent with SSL 131-a, which provides districts the option to cap the contributions toward their monthly shelter costs to thirty percent of their monthly gross earned income, prior to applying appropriate disregards, and/or unearned income, for individuals living with HIV/AIDS.*

Update regulations to be consistent with SSL § 131-n(j) which specifies that Achieving a Better Life Experience (ABLE) program accounts are exempted for public assistance purposes.*

Part 358 – Fair Hearings

Update regulations to clarify that the term “hearing officer” may be used interchangeably with the term “administrative law judge.”

Amend regulations to conform with 7 Code of Federal Regulations § 273.15(c)(4) regarding Supplemental Nutrition Assistance Program fair hearing adjournment.*

Part 359 – Disqualification for Intentional Program Violation

Revise regulation to clarify that certain disqualification consent agreements are reviewable at a fair hearing to ensure compliance with procedural requirements.*

Part 369 – Family Assistance

Amend regulation to address applications for or receipt of public assistance as an assignment to the State and the social services district of rights to support.

Part 385 – Public Assistance and Supplemental Nutrition Assistance Program (SNAP) Employment Program Requirements

Amend the title and the regulations of Part 385 to make technical updates, including updating references from “food stamp” to “SNAP.”

Clarify that support services may be provided to individuals assigned to work activities by the social services district.*

Revise assessment regulations to clarify that the requirements for exempt individuals in households without dependent children to comply with an assessment are consistent with those for exempt individuals in households with dependent children.*

Amend employment program provisions for notices of conciliation and notices of discontinuance or reduction as a result of an employment sanction to incorporate plain language requirements.*

Amend regulations to implement changes to the work activities that may be made available to individuals to include financial literacy.*

Establish additional guidelines regarding work activity definitions and work documentation and verification procedures to make them consistent with standards required by federal regulations.*

Implement changes to participation rate regulations to conform to

amendments to the SSL which require social services districts to expand the countable work activities available to safety net assistance participants without children to include community service programs, the provision of child care services to an individual participating in community service and time limited vocational education training, job search and job readiness assistance.*

Revise SNAP employment and training regulations to conform to federal regulations.*

Modify provisions that permit foster care parents and individuals who are caring for a disabled household member to be deemed as community service participants to only apply to public assistance households without dependent children. Federal regulations do not permit an individual who is caring for a disabled family member or a foster parent to be reported as participating in community service or any other work activity reported toward the federal work participation rate.

Part 387 – Supplemental Nutrition Assistance Program

Amend regulations to make technical updates to Part 387.

Revise regulations to raise the level of the minimum annual Home Energy Assistance Program (HEAP) or other energy assistance benefit required to confer eligibility for the SNAP Heating and Cooling Standard Utility Allowance (HCSUA) from \$1.00 to \$21.00.*

Update regulations to reflect the current policy that standard allowances for heating/air conditioning, utility and telephone costs are used in calculating shelter expenses for SNAP.*

Update regulations to reflect the current policy that households in shared living arrangements are entitled to the full applicable level of the standard utility allowance.*

Revise SNAP regulations concerning the special definition of the “head of the household.”*

Delete SNAP monthly reporting/retrospective budgeting references and add provisions for change reporting.*

Conform regulations concerning in-office interviews for SNAP applicants to federal requirements.*

Generally update SNAP regulations to conform to changes in federal regulations and law.*

Part 393 – Home Energy Assistance Program (HEAP)

Amend HEAP regulations to reflect current practices and the provisions of the federally accepted HEAP State Plan, including the confidentiality requirements contained therein.*

Amend regulations to articulate rules for protection of HEAP data and data sharing.

Part 800 – Homeless Housing and Assistance Program (HHAP)

Amend regulations regarding the conflict of interest rules for HHAP to address all ownership entities involved in HHAP projects. Revise and update certain definitions and terminology, clarify funding processes, and provide for the role of the Homeless Housing and Assistance Corporation Board as established in Private Housing Finance Law § 45-c.

Part 902 – Hotels and Motels Used as Emergency Placements for Persons and Families Experiencing Homelessness

Add a new Part 902: (1) setting forth the responsibilities of social services districts with respect to hotels and motels that are used to provide temporary emergency housing to persons and families experiencing homelessness; (2) update and clarify the standards applicable to these hotels/motels; (3) require that Temporary Housing Assistance (THA) recipients placed in hotels/motels are provided with supportive services that are currently available to THA recipients placed in shelters; and (4) clarify OTDA’s oversight and enforcement authorities with respect to hotel/motels used by social services districts to place THA recipients.*

It is not anticipated that small business regulation guides will need to be developed for the proposals set forth in this agenda.

* The asterisks identify rules for which a regulatory flexibility analysis or a rural area flexibility analysis may be required.

At this time, OTDA cannot specify the dates for publication in the New York State Register of the items listed above. OTDA would

welcome comments related to this regulatory agenda at the address listed below, and each published Notice of Proposed Rule Making will provide a public comment period and a contact person to whom comments may be sent.

Any questions, comments, or requests for information concerning the items listed in this agenda may be referred to: Richard P. Rhodes, Jr., Associate Attorney, Office of Temporary and Disability Assistance, 40 North Pearl St., 16C, Albany, NY 12243, (518) 486-7503, e-mail: richard.rhodesjr@otda.ny.gov. The regulatory agenda may be accessed on OTDA’s website at: <http://otda.ny.gov/policy/regulatory-agenda/>

RULE REVIEW

Office of Temporary and Disability Assistance

Pursuant to the State Administrative Procedure Act (SAPA) § 207, the Office of Temporary and Disability Assistance (OTDA) must review at regular intervals those regulations that were adopted on or after January 1, 1997. The purpose of the review is to determine whether the regulations should be retained as written or modified. On January 29, 2020, OTDA published in the New York State Register a list of regulations from Title 18 of the New York Codes, Rules and Regulations (NYCRR) that OTDA adopted in 2017, 2015, 2010, 2005 and 2000. Those regulations are set forth below:

Rules adopted in 2017

1. TDA-46-15-00005 Storage of Furniture and Personal Belongings*

Amended 18 NYCRR 352.6(f) and 397.5(k) to provide clarification regarding allowances for the storage of furniture and personal belongings.

Analysis for the need for the rule: These amendments were needed to provide consistency and clarity to the eligibility and receipt of storage fee payments.

Legal basis for the rule: Social Services Law (SSL) §§ 17(a)-(b), (j), 20(3)(d), 34(3)(f), 131(1) and 303(1)(k)

2. TDA-37-16-00001 Child Support*

Amended 18 NYCRR § 347.19 to clarify what information is to be safeguarded and what uses are permitted for child support purposes, to establish separate rules regarding the use and disclosure of information contained in the state parent locator service, and to amend the rules regarding reporting child support arrears to consumer reporting agencies.

Analysis for the need for the rule: To help ensure the State's compliance with the federal rules for safeguarding confidential information, disclosing said information, where appropriate, to authorized persons and entities for authorized purposes, and reporting of delinquent child support payors to credit reporting agencies.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(3)(d), 34(3)(f), 111-a and 111-v; 42 USC §§ 651-658, 660, 663-664, 666-667, 1302, 1396a(25), 1396b(d)(2), (o), (p) and (k); 45 CFR §§ 303.21, 303.69, 303.70 and 307.13

3. TDA-39-16-00006 Operational Plans for Uncertified Shelters for the Homeless*

Added 18 NYCRR 352.39 to require social services districts to submit to OTDA for review and approval operational plans and closure reports for each publicly-funded emergency shelter that currently does not fall within the scope of § 352.3(e)-(h), Part 491 or Part 900 of Title 18 NYCRR.

Analysis for the need for the rule: To protect vulnerable, low-income individuals and families with limited or no housing options, who have placed their trust and well-being in a system that should ensure that they have access to safe and habitable emergency shelter during their difficult times.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(2)-(3), 34, 460-c and 460-d

4. TDA-01-17-00002 Emergency Measures for the Homeless During Inclement Winter Weather*

Added 18 NYCRR Part 304 to mitigate the effects and impact of inclement winter weather on individuals experiencing homelessness.

Analysis of the need for the rule: The rule is necessary to protect homeless individuals from inclement winter weather in which air temperatures are at or below 32 degrees Fahrenheit, including National Weather Service calculations for windchill.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(2)(b), (3)(d), 34(3)(c)-(e) and (6)

5. TDA-23-17-00015 Supplemental Nutrition Assistance Program (SNAP) Categorical Eligibility*

Amended 18 NYCRR § 387.14 to update State regulations to include the previous expansion of categorical eligibility to certain SNAP applicants and further expand, pursuant to certain requirements, categorical eligibility of households having gross incomes at or below 200%, 150%, and 130% of the federal poverty limit (FPL).

Analysis of the need for the rule: The rule aligns State regulations with current SNAP policy regarding categorical eligibility for SNAP and advances the recommendations of the Governor's Anti-Hunger Task Force.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(3)(d) and 95; L. 2012, ch. 41; 7 USC Ch. 51 (generally), 7 USC §§ 2011, 2013; 7 CFR § 273.2(j)(2)

6. TDA-25-17-00001 Local District Child Support Enforcement Unit*

Amended 18 NYCRR § 347.3 in order to afford social services districts greater flexibility in selecting a name for the local entity responsible for child support activities within each social services district, update current State regulation language to reflect current terminology, and correct regulatory citations.

Analysis of the need for the rule: The rule was clarifying in nature, seeking to modernize the existing State regulations to reflect terminology currently used by the child support program. The regulatory amendments were responsive to a request by a social services district for flexibility in designating the local entity responsible for child support activities.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(3)(d), 34(3)(f), 111-a, 111-c; 42 U.S.C. §§ 651-657, 660, 663-664, 666-667; and 45 CFR § 302.12

7. TDA-31-17-00002 Mandated Reporter Requirement and Background Checks*

Added 18 NYCRR Part 901 to address the need for additional protections for children who are residing in publicly-funded emergency shelters for families with children by requiring checks of the Statewide Central Register of Child Abuse and Maltreatment and the Staff Exclusion List and criminal history background checks for individuals in certain positions in publicly-funded emergency shelters for families with children who have the potential for regular and substantial contact with children who are served by the shelter.

Analysis of the need for the rule: The amendments were needed to

implement the State regulations as required by Part Q of Chapter 56 of the Laws of 2017.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(2)(b), 34(3)(c)-(d), (6), 412, 413, 424-a, 460-h and 495; L. 2017, Ch. 56, part Q

8. TDA-40-17-00002 Support Obligations*

Repealed 18 NYCRR §§ 347.8, 347.10, and 347.26; added 18 NYCRR § 347.8; and amended 18 NYCRR §§ 347.9 and 422.3 to align State regulations concerning the establishment, modification, and enforcement of support obligations with federal and State statutory requirements, to update State regulations to reflect current terminology used by the child support program, and to correct regulatory citations in accordance with federal and State laws.

Analysis of the need for the rule: The rule helped ensure the State's compliance with the federal rules, promoted the use of current terminology, and corrected regulatory citations.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(3)(d), 111-a and 111-i; 42 U.S.C. §§ 651-657, 660, 663-664 and 666-667; 45 CFR 303.4, 303.6 and 303.8

Rules adopted in 2015

9. TDA-49-14-00003 Public Assistance (PA) Schedules*

Amended 18 NYCRR §§ 352.1 and 352.2 to update certain PA schedules to comply with the schedules in SSL § 131-a.

Analysis of the need for the rule: The amendments were required in order to conform certain PA schedules set forth in 18 NYCRR §§ 352.1(a) and 352.2(d) to the non-discretionary provisions set forth in amended SSL § 131-a.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-a(2)(a-1)-(a-4), and 131-a(3)(a-1)-(a-4)

10. TDA-23-15-00004 Emergency Shelter Allowances (ESA)*

Amended 18 NYCRR § 352.3(k) to update provisions for ESA for persons with AIDS or HIV-related illness to reflect statutory authority.

Analysis of the need for the rule: The amendments were needed to conform to State laws requiring social services districts (districts) to disregard the Supplemental Security Income and needs of any household member who is not the sole household member medically diagnosed with AIDS or HIV-related illness and to help ensure that districts, including New York City, are able to continue to provide the same level of housing for these individuals in need as they have in the past.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1); L. 2008, ch. 53; L. 2009, ch. 53; L. 2010, chs. 58, 110; L. 2011, ch. 53; L. 2012, ch. 53; L. 2013, ch. 53; L. 2014, ch. 53; L. 2015, ch. 53

11. TDA-38-15-00005 Standard Utility Allowances for Supplemental Nutrition Assistance Program (SNAP)*

Amended 18 NYCRR § 387.12 to set forth the federally approved standard utility allowances as of October 1, 2015.

Analysis of the need for the rule: It was of great importance that the federally approved standard utility allowances for SNAP were applied to SNAP benefit calculations effective October 1, 2015. If the standard utility allowances were not updated on October 1, 2015, it could have resulted in thousands of SNAP dependent households receiving SNAP overpayments each month. Households receiving such overpayments could be subject to an extended period of SNAP recoupments at the rate of 10% of their monthly SNAP benefits to recover the resulting overpayments of SNAP benefits. Thus, the rule was necessary for the preservation of the public health and general welfare of SNAP dependent households.

Legal basis for the rule: SSL §§ 20(3)(d) and 95; 7 USC § 2014(e)(6)(C); 7 CFR § 273.9(d)(6)(iii)

12. TDA-15-15-00003 Video Hearings*

Added 18 NYCRR § 358-5.13 to specifically allow OTDA's Office of Administrative Hearings (OAH) to conduct fair hearings by means of video equipment.

Analysis of the need for the rule: Video hearings allow OAH to hold more hearings by assigning individual hearing officers to hold fair hearings for multiple locations throughout the State on the same day.

Legal basis for the rule: SSL §§ 20(3)(d) and 22(8)

13. TDA-52-14-00001 "Food Stamp Program" Renamed "Supplemental Nutrition Assistance Program" (SNAP); Food Assistance Program (FAP) Repealed; Certain Public Assistance Employment Program Reporting Requirements Modified

Amended 18 NYCRR §§ 358-1.1, 358-1.2, 358-2.27, 381.2, 651.1, 651.2; and repeal of Part 388 of Title 18 NYCRR to update reference in the regulations from the Food Stamp Program to SNAP; to remove references to FAP within regulations, thereby rendering them consistent with current law; and to eliminate the monthly SSD reporting requirement to the DOL relative to information on PA families incidental to the administration of the PA employment program.

Analysis of the need for the rule: These regulations were needed to bring the State regulations into compliance with Chapter 41 of the Laws of 2012, which changed the name of the Food Stamp Program to SNAP, and with Chapter 360 of the Laws of 2003, which established a sunset date of September 30, 2005 for the districts' authority, as regulated by OTDA, to operate the FAP. The regulatory amendments also updated the State regulations by eliminating certain monthly requirements that SSDs report information to the DOL, thereby rendering the subject State regulations consistent with Part C of Chapter 57 of the Laws of 2005, which effectively transferred all functions, powers, duties and obligations incidental to the administration of the PA employment program from DOL to OTDA.

Legal basis for the rule: 7 U.S.C. Ch. 51 and §§ 2011 and 2013; SSL §§ 20, 34, 95 and art. 5, title 9-B; L. 2003, Ch. 360; L. 2005, Ch. 57, part C; L. 2012, Ch. 41

14. TDA-12-15-00004 Delete Regulatory References to the Learnfare Program

Amended 18 NYCRR § 351.2 and repealed § 351.12 to make technical amendments to reflect that the statutory authority to operate the Learnfare Program has expired.

Analysis of the need for the rule: Former SSL § 131-y, which authorized and directed OTDA to establish Learnfare, expired and was deemed repealed after July 31, 2000. Deletion of references to Learnfare from the existing State regulations rendered them consistent with current law.

Legal basis for the rule: SSL § 20(3)(d); L. 1995, Ch. 81 §§ 188 and 246(18); L. 1997, Ch. 436, § 21.

15. TDA-18-15-00002 Child Support

Amended 18 NYCRR § 347.24 to reflect the revised case closure criteria as set forth in the federal Department of Health and Human Services regulation.

Analysis of the need for the rule: The rule was necessary to conform the then existing State regulation to federal requirements for establishing and enforcing intergovernmental support obligations in child support program cases receiving services under Title IV-D of the Act.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 111-a; and 45 CFR § 303.11

Rules adopted in 2010

16. TDA-14-09-00009 SNA Application Supplement*

Repealed § 350.4(a)(7) and amended § 350.4(b) and (c)(1) of Title 18 NYCRR to eliminate the requirement that public assistance recipients complete an SNA application supplement to transition from federally-funded assistance to SNA when they reach the State 60-month time limit for federally-funded assistance.

Analysis of the need for the rule: The amendment eliminates an unnecessary administrative burden to both districts and recipients alike, since safeguards that are more efficient and effective are in place to ensure SNA eligibility. The eliminated requirement duplicated these already existing safeguards.

Legal basis: SSL §§ 20(3)(d), 34(3)(f), 131(1), and 158(1)(a)

17. TDA-28-09-00006 Temporary Housing Assistance for Certain Sex Offenders*

Added § 352.36 to Title 18 NYCRR to implement Chapter 568 of the Laws of 2008 concerning factors that districts must consider when making determinations about the locations of temporary housing for level two and level three sex offenders, when advanced notice has been received.

Analysis of the need for the rule: When assessing housing placements for certain sex offenders, consideration of the individual's immediate housing needs and such factors as concentrations of registered sex offenders and the proximity of available housing to entities with vulnerable populations are intended to protect the public. Additionally, consideration of other factors, such as the accessibility to family members, friends, or other supportive services, including available sex offender treatment programs, is intended to prevent recidivism by providing sex offenders with suitable housing and support. Through its implementation of Chapter 568 of the Laws of 2008, the amendment was designed to balance the safety interests of the public, the statutory obligations of districts in meeting the immediate needs of individuals, and the unique housing needs of sex offenders.

Statutory basis: SSL §§ 20(3)(d), (8), 34(3)(f), and 131(1); Chapter 568 of the Laws of 2008

18. TDA-19-10-00010 Utility Repayment Agreements*

Amended § 352.5(e) of Title 18 NYCRR by extending the repayment term of utility repayment agreements from one year to two years to meet the requirements of Chapter 318 of the Laws of 2009.

Analysis of the need for the rule: In addition to rendering the regulations compliant with statutory requirements, the regulatory amendments benefit low-income households which must sign repayment agreements by reducing their monthly repayment amounts, thereby making them more affordable. The amendments also help low-income families remain current on their utility repayment agreements and better enable them to meet their other monthly financial obligations. In addition, by improving the ability of low-income households to comply with the terms of their repayment agreements, the regulatory amendments reduce the need for districts to utilize costly temporary housing options.

Statutory basis: SSL §§ 20(3)(d), 34(3)(f), 131(1), and 131-s(1); Chapter 318 of the Laws of 2009

Rules adopted in 2005

19. TDA-06-04-00006 Operational Plans for Room and Board Facilities*

Amended 18 NYCRR §§ 352.8(b)(1) and 900.1(a), added 18 NYCRR § 352.8(b)(2), and renumbered paragraphs of 18 NYCRR § 352.8(b) to require an operational plan to be submitted under certain circumstances for facilities that provide room and/or board.

Analysis of the need for the rule: These amendments were developed to improve the quality and availability of temporary housing by making Part 900 standards and reimbursement available to scattered site housing and small facilities when they were operated by one organization and total occupancy exceeded 19 families.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 131(1); Chapter 562 of the Laws of 1953

20. TDA-17-04-00001 Temporary Absences*

Amended 18 NYCRR § 349.4(a) and repealed 18 NYCRR § 352.3(c) to allow all public assistance recipients who are temporarily absent from their homes to be treated the same.

Analysis of the need for the rule: These amendments were developed to make it easier for districts to determine which public assistance recipients, who were temporarily absent from the district of residence, continue to be eligible for assistance.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131-a(1), 158, 349, and 355(3)

21. TDA-46-04-00006 Income Standards for Eligibility for Emergency Assistance for Needy Families with Children*

Amended 18 NYCRR § 372.2(a) to establish an objective income standard that would be used by districts when determining eligibility for emergency assistance for needy families with children.

Analysis of the need for the rule: This rule was developed to make OTDA's regulations consistent with the terms of the State Plan submitted to the Department of Health and Human Services for the Temporary Assistance for Needy Families (TANF) Program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 350-j, and 355(3)

22. TDA-02-05-00001 Families in Transition Act*

Added 18 NYCRR § 351.20(c) to implement Chapter 477 of the Laws of 2000 to permit the continuation of public assistance eligibility for a child whose adult relative caretaker has died until arrangements are completed for the addition of the child to another public assistance household, reclassification of the case, foster care for the child, or other appropriate financial support for the child.

Analysis of the need for the rule: This rule was developed to ensure that a lapse in assistance did not occur upon the death of the adult relative caretaker of a child in receipt of public assistance. A lapse in financial support can be highly injurious to a child undergoing the difficult transition to a new family or, eventually, to foster care. The amendments ensured that orphaned public assistance recipients would receive the correct amount of assistance and that these children will not be left without financial support.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-a(13), and 355(3); Chapter 477 of the Laws of 2000

23. TDA-21-05-00002 Section 8 Housing Vouchers*

Amended 18 NYCRR §§ 350.3(d)(2)(i), 352.5(b), (f)(2), and (5)(i), and added 18 NYCRR § 352.3(d)(2)(ii) to establish a reasonable shelter schedule for persons and families receiving public assistance and rent subsidies under the Section 8 Voucher Program.

Analysis of the need for the rule: This rule was developed to provide a measure of uniformity and to insure that participants in the Section 8 Voucher Program would not receive a lower subsidy than other families based solely upon the participant families' receipt of public assistance.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), and 355(3)

Rules adopted in 2000

24. TDA-39-99-00002 Fair Hearings for Employment Related Cases*

Amended 18 NYCRR §§ 358-2.9, 358-2.15, 358-3.1, 358-3.3, 358-3.5, 358-3.6, 358-4.1, 358-4.2, 358-5.9, 358-6.1, and 358-6.3 to conform State regulations concerning fair hearings for employment related cases to regulations of the New York State Department of Labor (DOL).

Analysis of the need for the rule: At the time, this rule was developed to reflect the transfer of the administration of employment programs from the New York State Department of Social Services to the DOL.

Legal basis for the rule: SSL §§ 20(3)(d), 22, 34(3)(f), and 337

It is noted that responsibility for the administration of employment programs has since been transferred from the DOL to OTDA. Title 18 NYCRR reflects this subsequent transfer.

25. TDA-39-99-00003 Home Energy Assistance Program (HEAP)

Amended 18 NYCRR §§ 393.4(c), 393.4(d)(1)(ix), and 393.5(a) and (c) to require applicants for emergency HEAP benefits to use available liquid resources to meet an energy emergency and to remove a detailed list of criteria for the HEAP payment matrix.

Analysis of the need for the rule: The amendments were developed to reflect the existing HEAP program requirements and to help reduce the State's HEAP administrative costs, thereby increasing the amount of the HEAP grant that could be used to provide energy assistance to needy individuals.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 97

26. TDA-03-00-00005 Public Assistance*

Amended 18 NYCRR § 352.31(a) and (d) to give guidance to districts with respect to counting the number of months a person has been in receipt of public assistance in circumstances where a person received public assistance during a time period that he or she was ineligible for the assistance, and the monies were subsequently recovered.

Analysis of the need for the rule: The amendments were developed to clarify State policy and ensure that the time limits for determining public assistance eligibility were applied correctly and consistently.

Legal basis for the rule: SSL §§ 20(3)(d) and 34(3)(f)

27. TDA-09-00-00005 Front End Detection System

Amended 18 NYCRR § 348.7(c)(1)(i)(a) to clarify when an ap-

applicant for public assistance must be referred to a front end detection system unit.

Analysis of the need for the rule: This rule was developed to provide for a more thorough review of the applicant's financial situation. This amendment sought to address the question of why a person was applying for public assistance when the person's financial obligations were current and there appeared to be no changes in the person's circumstances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 134(b)

28. TDA-09-00-00006 State Charges

Repealed 18 NYCRR Part 310 and amended 18 NYCRR §§ 313.1, 313.2, 603.1 and 620.3 to eliminate the concept of State charges, except under certain circumstances.

Analysis of the need for the rule: This rule was developed to render OTDA's regulations consistent with the requirements of the SSL, as amended by Chapter 81 of the Laws of 1995; that Chapter was implemented in State Fiscal Year 1995/96 and repealed the "State charge" category in most situations.

Legal basis for the rule: SSL §§ 20(3)(d) and 34(3)(f); §§ 155-159 and 195-199 of Chapter 81 of the Laws of 1995

29. TDA-22-00-00001 Automobile Exemption*

Amended 18 NYCRR § 352.23(b)(2) to implement Chapter 389 of the Laws of 1999 concerning the value of an automobile that can be exempted and disregarded when determining eligibility for public assistance.

Analysis of the need for the rule: At the time, this rule was developed to reflect the provisions of Chapter 389 of the Laws of 1999, which amended SSL § 131-n to provide that if an automobile was needed to enable a public assistance recipient to seek or retain employment or to travel to or from work activities, its exempted value could be up to twice the value of an automobile that could be exempted from consideration in determining eligibility for food stamp benefits, now known as "SNAP" benefits, or a higher amount as determined by the district.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 131-n(1); Chapter 389 of the Laws of 1999 at that time

30. TDA-22-00-00002 HEAP*

Added 18 NYCRR § 393.4(c)(4) and amended 18 NYCRR § 393.4(d)(1)(i) to conform State regulations to federal requirements concerning which households were eligible for HEAP benefits.

Analysis of the need for the rule: These amendments were developed to conform State regulations to federal requirements governing which households were eligible for regular HEAP benefits. The federal requirements provided that, in order to be eligible for HEAP, an applicant must be a United States citizen, a national, or a qualified alien.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), and 97

31. TDA-28-00-00001 Emergency Shelter Allowances

Repealed 18 NYCRR § 397.11 to eliminate an unnecessary section of Title 18 NYCRR concerning emergency shelter allowances.

Analysis of the need for the rule: The purpose of the repeal of 18 NYCRR § 397.11 was to eliminate provisions that were also contained in 18 NYCRR § 352.3(k).

Legal basis for the rule: SSL §§ 20(3)(d) and 34(3)(f); Chapter 53 of the Laws of 1988 and subsequently enacted budgets

OTDA received no public comments regarding its Rule Review published in the New York State Register on January 29, 2020.

OTDA is considering amendments that may impact the regulatory changes that were adopted in 2017, 2015, 2010, 2005, and 2000. OTDA is considering the following regulatory amendments:

- Update regulations to be consistent with the federal rules regarding case closure criteria, as set forth in Title 45 Code of Federal Regulations § 303.11, and to increase the options available to social services districts to close cases, if certain conditions are met.

- Amend HEAP regulations to reflect current practices and the provisions of the federally accepted HEAP State Plan, including the confidentiality requirements contained therein;

- Amend regulations to implement changes to public assistance

policy consistent with SSL 131-a, which provides districts the option to cap the contributions toward their monthly shelter costs to thirty percent of their monthly gross earned income, prior to applying appropriate disregards, and/or unearned income, for individuals living with HIV/AIDS.*

- Amend regulations to make technical updates to Part 387;

- Update regulations to reflect the current policy that standard allowances for heating/air conditioning, utility and telephone costs are used in calculating shelter expenses for SNAP; and

- Generally update SNAP regulations to conform to changes in federal regulations and law.

At this time, OTDA has determined that no additional modifications, other than those set forth above, need to be made to its regulations adopted in 2017, 2015, 2010, 2005, and 2000, as amended or otherwise modified.

OTDA has determined that in the ensuing calendar year, it should review certain regulations from Title 18 NYCRR adopted in 2018, 2016, 2011, 2006 and 2001. These regulations, listed below, are subject to the provisions of SAPA § 207. The regulations must be reviewed to determine whether they should be retained as written or modified. OTDA invites written comments on the continuation or modification of these regulations in order to assist in the required review. We will consider only those comments that are received by April 30, 2021.

Rules adopted in 2018

A. TDA-35-17-00005 Application process for SNAP

Amended 18 NYCRR § 387.8 to extend the State timeframe for processing and the issuance of SNAP benefits on an expedited basis from five to seven days following the date of application.*

Analysis of the need for the rule: These amendments were needed to align State regulations with federal requirements regarding the expedited process for applying for SNAP benefits in New York State.

Legal basis for the rule: 7 USC Chapter 51 (generally); 7 USC §§ 2011, 2013, and 2020(e)(9); 7 CFR 273.2(e) and (j)(2); SSL § 17(a)-(b), (j), 20(3)(d), and 95; L. 2012, ch. 41

Rules adopted in 2016

B. TDA-03-16-00001 Referrals of Human Trafficking Victims from Established Providers of Social or Legal Services*

Amended 18 NYCRR §§ 765.1 and 765.2 to clearly define the participant agencies that are statutorily authorized to participate in the referral process.

Analysis for the need for the rule: These amendments were needed to conform State regulations with Chapter 368 of the Laws of 2015.

Legal basis for the rule: SSL § 20(3)(d); L. 2015, ch. 368; L. 2011, ch.24; L. 2007, ch. 74; SSL Article 10-D

C. TDA-45-15-00012 Public Assistance (PA) Resources Exemption for Four-Year Accredited Post-Secondary Educational Institutions

Amended 18 NYCRR § 352.23(b)(4) to exempt up to \$1,400 for funds in a separate bank account for the sole purpose of paying tuition at two-year or four-year accredited post-secondary educational institutions, so long as the funds are not used for any other purpose.

Analysis for the need for the rule: By allowing PA recipients to utilize the exempt resources amount for either a two-year or four-year accredited educational institution, the regulatory amendment offers PA recipients enhanced educational options to advance their workforce readiness and financial earning capabilities through the pursuit of higher education.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1) and 131-n; L. 2014, ch. 58, part J, § 5

D. TDA-45-15-00011 Burden of Proof at Fair Hearings Challenging Interim Assistance Reimbursement (IAR) Amounts

Amended 18 NYCRR 358-5.9(a) to clarify the burden of proof for fair hearings concerning Interim Assistance reimbursement (IAR). The amendments provided that a social services district (district) must establish that its actions were correct at a fair hearing concerning the amount deducted from the initial payment of supplemental security income as reimbursement of PA.

Analysis for the need for the rule: The amendments rendered State regulations consistent with case precedents set by the New York State courts.

Legal basis for the rule: SSL §§ 20(3)(d), 22(8) and 95; L. 2012, ch. 41

E. TDA-47-15-00004 Child Support Program*

Amended 18 NYCRR §§ 346.2, 347.12, 347.17, 347.25, 352.15, 352.22, 352.31, and 369.1; repealed and added new §§ 347.2 and 347.13, and added § 300.13 to amend regulatory requirements concerning the distribution and disbursement of child support collections.

Analysis of the need for the rule: These amendments were required to comply with federal statutes and requirements.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(2)-(3), 34, 111-a, 111-c(2)(a), (d), 131-a(8)(a)(v), 158(5)-(6)(i), 348(2)-(3); Federal Social Security Act, §§ 408(a)(3), 457; 45 CFR §§ 302.32, 302.50-302.52, 303.72; Federal Deficit Reduction Act of 2005 (P.L. 109-171)

F. TDA-20-15-00001 Information Appropriate for Victims of Sexual Assault*

Added 18 NYCRR § 351.2(m) to require districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault.

Analysis of the need for the rule: The amendment increased outreach to victims of sexual assault and promoted access to essential services necessary for victims of sexual assault to overcome the physical, mental and emotional trauma associated from such abuse.

Legal basis for the rule: SSL §§ 17(a)-(b), (i), 20(2)-(3)(d), 34(3)(f) and 131(20); L. 2009, ch. 427

G. TDA-27-15-00002 Child Support Federal Incentive Payments*

Amended 18 NYCRR § 347.16 in order to establish the procedures by which the State distributes child support incentives received from the U.S. Department of Health and Human Services and allocate portions of those incentives to districts.

Analysis of the need for the rule: The amendment complied with changes to the federal incentive payment process under the Child Support Performance and Incentive Act (CSPIA).

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 111-a; 42 USC § 658a; 45 CFR, §§ 302.55, 303.52, 305.2, 305.31, 305.33

H. TDA-37-15-00005 Monthly Shelter Supplements*

Amended 18 NYCRR § 352.3(a)(3)(i) in order to update State regulations to reflect current State law by extending the authority to provide additional monthly shelter supplements to eligible public assistance applicants and recipients, including single adults and childless couples.

Analysis of the need for the rule: For homeless households that are moving from temporary housing to permanent housing, public assistance can be a stabilizing factor allowing households to begin working or increase earnings as they receive assistance to help pay bills, purchase food and meet their monthly rent. When necessary, rent supplements are also a stabilizing factor to help pay for some of the rent until the households become self-sufficient.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1); L. 2009, 2011-2015, Ch. 53; L. 2010, chs. 58, 110

I. TDA-39-15-00016 Temporary Housing Placements*

Amended 18 NYCRR §§ 352.8(b)(1) and 352.3(h) and added § 352.3(m) to adjust the rate approval process for temporary housing placements and expand the scope of inspections for such placements.

Analysis of the need for the rule: OTDA's review and approval of the room and board rates help ensure that rates for temporary housing negotiated between districts and temporary housing providers are fair and affordable, and that they include services necessary to assist vulnerable families and individuals in their transitions out of homelessness. The expansion of inspections promotes greater accountability by districts for the quality of the temporary housing that is utilized.

Legal basis for the rule: SSL §§ 20(2), (3)(d), 34 and, 131-v(4)

J. TDA-06-16-00016 Emergency Shelters for the Homeless*

Added 18 NYCRR § 352.37 to allow OTDA full authority to take immediate emergency action against facilities and districts that are not providing emergency shelter that comports with prescribed standards.

Analysis of the need for the rule: The regulation helps ensure that emergency shelters are maintained in safer, more sanitary conditions, and that the welfare of residents is better protected.

Legal basis for the rule: SSL §§ 17(a)-(b), (i), 20(2)-(3), 34, 460-c and 460-d; Executive Law § 43(1); General Municipal Law § 34; State Finance Law § 109(4); New York City Charter § 93; Buffalo City Charter, ch. C, art. 7, § 7-4

K. TDA-19-16-00007 SNAP

Amended 18 NYCRR § 387.9(a)(7)(ii)(a)-(b)(2)-(3); and added 18 NYCRR § 387.9(a)(7)(ii)(c) to provide that in the event one or more household members no longer reside with a household terminated for refusal to cooperate, the penalty for refusal to cooperate will attach to the household of the person(s) refusing to cooperate.

Analysis of the need for the rule: The amendments are necessary to bring the State regulations concerning household cooperation with quality control reviews into compliance with federal statutes and regulations.

Legal basis for the rule: 7 USC, ch. 51 (generally) and §§ 2011 and 2013; 7 CFR § 273.2(d); SSL §§ 17(a)-(b) and (j), 20(3)(d), 34(3)(f) and 95; L. 2012, ch. 41

L. TDA-21-16-00005 Income Withholding of Child or Combined Child and Spousal Support

Amended Part 344 and § 347.9 of 18 NYCRR in order to update State regulations related to income withholding of child support or combined child and spousal support for persons who are not served by Part D of Title IV of the federal Social Security Act and for persons who are in receipt of Title IV-D services, respectively.

Analysis of the need for the rule: The regulatory amendments were necessary to conform the State regulations to federally-mandated changes to Civil Practice Law and Rules (CPLR) §§ 5241 and 5242 and SSL § 111-b(14).

Legal basis for the rule: 42 USC §§ 651, 654b, 666(a)(8)(B)(iii) and (b)(6); CPLR §§ 5241 and 5242; SSL §§ 17(a)-(b), (j), 20(3)(d), 34(3)(f), 111-a and 111-b(14)

M. TDA-25-16-00002 Emergency Shelters*

Added 18 NYCRR 352.38 to address security measures and incident reporting in shelters for the homeless. The regulatory amendments required the operator of each emergency shelter to submit to OTDA and the district in which the emergency shelter is located an annual security plan for the emergency shelter. In addition, each district shall submit an annual plan to OTDA to help ensure that emergency shelters operating within the district are providing security and taking appropriate measures to protect the physical safety of emergency shelter residents and staff. Additionally, the regulatory amendments would clarify not only that reports of all serious incidents impacting upon the safety and well-being of shelter residents or staff must be documented and timely submitted to OTDA, but also OTDA's authority to direct a district or emergency shelter operator to take additional security measures where an incident is reported.

Analysis of the need for the rule: The regulations help ensure that reasonable security measures are implemented at emergency shelters and that the safety of emergency shelter residents and staff is protected.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(2)-(3), 34, 460-c and 460-d

N. TDA-22-15-00005 SNAP*

Amended 18 NYCRR § 387.1, and added § 387.25 to update regulations for the Transitional Benefits Alternative (TBA) program, which provides additional federally funded SNAP benefits to certain households with children that are leaving cash assistance programs. These additional benefits help families meet their nutritional needs while making the transition from cash assistance to employment.

Analysis of the need for the rule: Both social services districts and recipients benefitted from having the requirements of the TBA program set forth in State regulations.

Legal basis for the rule: 7 USC § 2020(s); SSL § 20(3)(d) and 95

O. TDA-39-16-00010 Standard Utility Allowances for SNAP*

Amended 18 NYCRR § 387.12 to set forth the federally approved standard utility allowances as of October 1, 2016.

Analysis of the need for the rule: It is of great importance that the federally approved standard utility allowances for SNAP were applied to SNAP benefit calculations effective October 1, 2016. If post standard utility allowances were not updated on October 1, 2016, it could have resulted in thousands of SNAP dependent households receiving SNAP overpayments each month. Households receiving such overpayments could be subject to an extended period of SNAP recoupments at the rate of 10% of their monthly SNAP benefits to recover the resulting overpayments of SNAP benefits. Thus, the rule was necessary for the preservation of the public health and the general welfare of SNAP dependent households.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(3)(d) and 95; 7 USC § 2014(e)(6)(C); 7 CFR § 273.9(d)(6)(iii)

P. TDA-37-16-00004 PA Use of Resources - General Policy

Amended 18 NYCRR 352.23(b)(2) to update PA resource exemptions related to automobiles. Prior to this amendment, PA applicants and recipients were allowed to exempt one automobile, up to \$4,650 fair market value. The amendment raised the fair market value of the exempt automobile on the following time line: one automobile, up to \$10,000 fair market value, through March 31, 2017; one automobile, up to \$11,000 fair market value, from April 1, 2017 through March 31, 2018; and one automobile, up to \$12,000 fair market value, beginning April 1, 2018 and thereafter, or such other higher dollar value as the district may elect to adopt. However, if the automobile is especially equipped with apparatus for individuals with a disability, the apparatus must not increase the value of the automobile.

Analysis of the need for the rule: This amendment was needed to make State regulations consistent with § 1 of Part X of Chapter 54 of the Laws of 2016.

Legal basis for the rule: SSL §§ 17(a)-(b), (j), 20(3)(d), 34(3)(f), 131(1) and 131-n; L. 2016, ch. 54, part X, § 1

Q. TDA-36-16-00006 SNAP*

Amended 18 NYCRR § 387.1 to update State regulations by adding the definitions of “eligible food” and “trafficking of SNAP benefits” to reflect federal requirements regarding the trafficking of SNAP benefits.

Analysis of the need for the rule: The regulatory amendments were necessary to bring the State regulations into compliance with federal requirements and State practices.

Legal basis for the rule: 7 USC Ch. 51 and §§ 2011, 2013 and 2024; 7 CFR §§ 271.2 and 273.16; SSL §§ 17(a)-(b), (j), 20(3)(d) and 95; L. 2012, ch. 41

Rules adopted in 2011

R. TDA-35-10-00005 Child Support*

Amended 18 NYCRR §§ 347.2, 347.6, 347.7 and 347.8 to conform to State and federal statutes and federal requirements concerning the use of locate sources.

Analysis of the need for the rule: These amendments conformed State regulations to federal regulations in regard to locator services, which require that location services be used in all cases referred to the child support enforcement unit and in all cases applying for child support services.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 111-a, 111-b(3), (4), 111-g, 111-h(9), 111-k(1), 111-r, 111-s(1), 111-v and 143; FCA § 542; 45 CFR §§ 301.1, 303.3(b)(1) and 303.101(b)(1); 42 USC 666(c)(1)

S. TDA-41-10-00005 Public Assistance*

Repeal of 18 NYCRR § 351.24, amendment of 18 NYCRR §§ 351.1(b)(2)(iv), 352.17(d), 352.19(b)(3), 366.3 and 366.4(g) and addition of 18 NYCRR § 366.11 to eliminate quarterly reporting as a district optional requirement for the majority of public assistance recipients but keeping it a requirement for child assistance program participants.

Analysis of the need for the rule: These amendments were made due to quarterly reporting being eliminated as a district optional requirement for the majority of public assistance recipients, but still

required for child assistance program recipients. Eliminating the optional reporting requirement for public assistance recipients simplifies reporting requirements, reduces administrative requirements, and saves money by no longer requiring the option to be included in the State’s Welfare Management System.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-t, 131-z(9) and 355(3)

T. TDA-16-11-00004 Standard Allowances for the Food Stamp Program*

Amended 18 NYCRR § 387.12(f)(3)(v)(a), (b) and (c); and added 18 NYCRR § 387.12(f)(3)(v)(d) to update the standard utility allowances for SNAP to the federally approved levels as of April 1, 2011, and to set forth OTDA’s process for periodically reviewing and updating the standard utility allowances.

Analysis of the need for the rule: It was of great importance that the federally approved standard utility allowances for SNAP were applied to SNAP benefit calculations effective April 1, 2011. If the standard utility allowances were not updated on April 1, 2011, it could have resulted in thousands of SNAP dependent households receiving overpayments each month. Overpayments to food stamp dependent households could have subjected the households to a 10% recoupment of their monthly food stamp benefits until the overpayment was recovered. Thus, the rule was necessary for the preservation of the public health and general welfare of SNAP dependent households.

Legal basis for the rule: SSL §§ 20(3)(d) and 95; 7 USC § 2014(e)(6)(C); and 7 CFR § 273.9(d)(6)(iii)

Note: Chapter 41 of the Laws of 2012 changed the name of New York’s Food Stamp Program to SNAP.

Rules adopted in 2006

U. TDA-13-05-00001 Verification of School Attendance*

Amended 18 NYCRR § 369.4(f) to relieve social services districts of verifying school attendance of children under the age of 18.

Analysis of the need for the rule: These amendments were developed to make the requirements of 18 NYCRR § 369.4(f) consistent with those of 18 NYCRR § 369.2(c) and to reduce the administrative burden on social services districts.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1) and 355(3)

V. TDA-36-05-00003 Enforcement of Support Obligations and Issuance of Income Executions*

Amended 18 NYCRR § 347.9 to implement State and federal laws concerning the process for issuing income execution orders in child support cases and to change the method for calculating the amount of any additional deductions to be withheld from an employee’s income if the employee owes child support arrears or past due child support.

Analysis of the need for the rule: These amendments were developed to implement section 314 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) and the provisions of Chapter 398 of the Laws of 1997 that amended section 5241 of the Civil Practice Law and Rules (sections 20 through 28), concerning the process for issuing income execution orders in child support cases and the penalties to be imposed on employers for failing to comply with such orders. The amendments also revised the calculation of the additional amount deducted from an employee’s salary to collect child support arrears or past due child support. These revisions allowed a higher additional amount when current support terminates, clarified the rules for deductions from lump sum payments, and clarified the rules for proving that the additional amount should be reduced or eliminated in certain cases.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 111-a

W. TDA-51-05-00006 Treatment of Lump Sum Income*

Amended 18 NYCRR §§ 352.23(b) and 352.29(h)(1) and (2) and added 18 NYCRR § 352.23(b)(4) to implement Chapter 373 of the Laws of 2003, concerning the treatment of lump sum income.

Analysis of the need for the rule: This rule was developed to provide that any lump sum of income received by a public assistance applicant or recipient could be disregarded when determining eligibility for such assistance under certain circumstances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 131(1), 131-a(12)(c), 131-n and 355(3)

Rules adopted in 2001

X. TDA-43-00-00001 Cooperation with Social Services Officials

Amended 18 NYCRR § 351.1(b)(2) to require information concerning the non-legally responsible caretaker relatives of children who receive public assistance and information concerning the siblings of children who are receiving public assistance to be provided to social services officials.

Analysis of the need for the rule: This rule was developed to help the State meet federal requirements concerning the furnishing of information on families receiving assistance under the State's public assistance programs funded under Temporary Assistance for Needy Families program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 132

Y. TDA-43-00-00002 Safety Net Assistance*

Amended 18 NYCRR § 370.4(b)(1)(ii) to exempt from the two year limit on receipt of safety net assistance work subsidies paid to an employer or a third party for the cost of wages or benefits for a recipient when the payment equals the full amount of the recipient's safety net assistance budget deficit.

Analysis of the need for the rule: This rule was developed to make State requirements concerning the time limits for receipt of safety net assistance consistent with federal requirements concerning the time limits for receipt of benefits funded under the Temporary Assistance for Needy Families program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 158(a) and art. 5, title 3

Z. TDA-46-00-00004 Intentional Program Violations

Amended 18 NYCRR §§ 359.3(a) and 359.9(g) to make State regulations consistent with State law and a federal court decision.

Analysis of the need for the rule: This rule was developed to clarify the circumstances under which a person would be determined to have committed an intentional program violation and to clarify the start date of the disqualification period for an intentional program violation in the food stamp program.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 145-c

AA. TDA-48-00-00002 Homeless Housing Assistance Program Projects

Amended 18 NYCRR § 800.2(m) to provide additional funds to existing homeless housing and assistance program projects.

Analysis of the need for the rule: This rule was developed to extend the policy that authorized the creation of operating and capital replacement reserves to existing Homeless Housing and Assistance Program projects.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and art. 2-A, title 1

BB. TDA-19-01-00009 Food Stamp Benefit Increase*

Amended 18 NYCRR § 387.17(e) to clarify existing federal policy regarding time frames due to change in household circumstances.

Analysis of the need for the rule: This rule was developed to implement existing federal requirements regarding time frames for providing an increase in food stamp benefits due to a change in household circumstances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f) and 95

CC. TDA-19-01-00010 Eligibility for Public Assistance

Amended 18 NYCRR § 351.2(e), (f) and (j) to conform eligibility requirements to existing policies and remove outdated terminology.

Analysis of the need for the rule: This rule was developed to make technical changes to conform to existing policies and to remove references to outdated terminology.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 158 and 349

DD. TDA-21-01-00004 Temporary Assistance for Needy Families Program*

Amended 18 NYCRR § 369.4(d)(7) to establish uniform statewide standards.

Analysis of the need for the rule: These amendments were developed to establish uniform statewide standards for determining hardship under the Temporary Assistance for Needy Families program for purposes of exempting certain households from the 60-month time limit for eligibility.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 350(2) and art. 5, title 10

EE. TDA-24-01-00001 Recoupment and Advance Allowances*

Amended 18 NYCRR §§ 352.11 and 352.31(d)(2) to permit recoupment of 10 percent of Public Assistance benefits for recipients of Safety Net Assistance and Family Assistance.

Analysis of the need for the rule: This rule was developed to permit recoupment of overpayments of public assistance benefits from future benefit payments made to public assistance recipients, achieve consistency in the recoupment policy between the family assistance and safety net assistance programs, ease administrative burdens for local social services districts, and make conforming changes to advance allowances.

Legal basis for the rule: SSL §§ 20(3)(d), 34(3)(f), 158(1) and 355(3)

Conclusion

* The asterisks identify rules for which a regulatory flexibility analysis, rural area flexibility analysis, or job impact statement was prepared.

The Rule Review may be accessed on OTDA's website at: <http://otda.ny.gov/legal/>

Any comments should be submitted to: Joseph C. Mazza, Office of Temporary and Disability Assistance, 40 N. Pearl St., 16th Fl., Albany, NY 12243, (518) 474-0574, e-mail: Joseph.Mazza@otda.ny.gov

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

ALPS Distributors Inc.
299 Park Ave., 25th Fl., New York, NY 10017
State or country in which incorporated — Delaware

Basswood International Fund, LP
c/o Basswood Partners, L.L.C., 645 Madison Ave., 10th Fl., New York,
NY 10022
Partnership — Basswood Partners, L.L.C.

Battle Bom Funding LLC
11212 Hudson Brook St., Las Vegas, NV 89183
State or country in which incorporated — Nevada

BayPine Capital Partners Fund I-A, LP
801 Boylston Street, 4th Floor, Boston, MA 02116
Partnership — Baypine GP LP

BayPine Capital Partners Fund I-B, LP
801 Boylston Street, 4th Floor, Boston, MA 02116
Partnership — Baypine GP LP

Broadtree Residential, Inc.
530 Clinton Sq., Rochester, NY 14604
State or country in which incorporated — Maryland

Butterfly Equity LP
9595 Wilshire Blvd., Suite 510, Beverly Hills, CA 90212
Partnership — Butterfly Capital III GP, LP

Butterfly Fund III, LP
9595 Wilshire Blvd., Suite 510, Beverly Hills, CA 90212
Partnership — Butterfly Capital III GP, LP

Care Equity, L.P.
19 Vandam St., #3, New York, NY 10013
State or country in which incorporated — Delaware limited partnership

Crystal View Capital Management, LLC
9515 Hillwood Dr., Las Vegas, NV 89134
State or country in which incorporated — Delaware

CS Georgetown Associates, L.P.
910 Harvest Dr., Suite 105, Blue Bell, PA 19422
Partnership — CS Georgetown General, LLC

CX Evergreens at Mahan Depositor, LLC
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609
State or country in which incorporated — Delaware

Dalmore Group LLC, The
525 Green Pl., Woodmere, NY 11598
State or country in which incorporated — New York

Discern Corporation
630 Fifth Ave., Suite 2000, New York, NY 10111
State or country in which incorporated — Delaware

Discern Corporation
1000 Park Ave., 2C, New York, NY 10028
State or country in which incorporated — Delaware

Flex Operating Room, Inc.
1175 Pittsford-Victor Rd., Suite 140, Pittsford, NY 14534
State or country in which incorporated — Delaware

FS2 Holdings LLC
6673 Doonbeg Dr., Frisco TX 75035
State or country in which incorporated — Texas

FS3 Holdings LLC
6673 Doonbeg Dr., Frisco TX 75035
State or country in which incorporated — Texas

Gatsby Digital, Inc.
28 Liberty St., New York, NY 10005
State or country in which incorporated — Delaware

Greenbriar Equity Fund V, L.P.
c/o Greenbriar Equity Group, L.P., 555 Theodore Fremd Ave., Suite
A-201, Rye, NY 10580
Partnership — Greenbriar Equity Capital V, L.P.

H.C. Wainwright & Co., LLC
30 Park Ave., New York, NY 10022
State or country in which incorporated — New York

Hines Global Income Trust, Inc.
2800 Post Oak Blvd., Suite 5000, Houston, TX 77056
State or country in which incorporated — Maryland

Kings Quarters Venture LLC
910 Harvest Dr., Suite 105, Blue Bell, PA 19422
State or country in which incorporated — Delaware

LG Plantation Medical Center LLC
228 Park Ave. S, New York, NY 10003
State or country in which incorporated — Delaware

Lion/Simba Investors, L.P.
21 Grosvenor Place, London, SW1X 7HF
Partnership — Lion/Simba Investors General Partner Limited

Masterworks 011 LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 012 LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 013, LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 015, LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 016 LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 017 LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 018 LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 019 LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

Masterworks 020 LLC
497 Broome St., New York, NY 10013
State or country in which incorporated — Delaware

MLG/PF Harpers Preserve Co-Investor LLC
19000 W. Bluemound Rd., Brookfield, WI 53045
State or country in which incorporated — Wisconsin

National Securities Corporation
200 Vesey St., 25th Fl., New York, NY 10281
State or country in which incorporated — New York

Nighthawk Cobb, LLC
15333 N. Hayden Rd., Unit 2201, Scottsdale, AZ 85260

Obsidian Energy Ltd.
Suite 200, 207 - 9th Ave. SW, Calgary, Alberta T2P 1K3
State or country in which incorporated — Canada

Reserves at Redbank, LLC
545 Dutch Valley Rd., Ste. A, Atlanta, GA 30324
State or country in which incorporated — Delaware

ResGreen Group International, Inc.
22800 Hall Rd., Unit 510, Clinton Township, MI 48036
State or country in which incorporated — Nevada

Revolution Growth IV, LP
1717 Rhode Island Ave. NW, Suite 1000, Washington, DC 20036
Partnership — Revolution Growth GP IV, LP

Sawai Group Holdings Co., Ltd.
5-2-30, Miyahara, Yodogawa-ku, Osaka, Japan 532-0003
State or country in which incorporated — Japan

Somerset Hills Partners, LP
300 North End Ave., #21B, New York, NY 10282
Partnership — Somerset Hills Partners GP, LLC

Standard Broadcast LLC
214 Sullivan St., Suite 3A, New York, NY 10012
State or country in which incorporated — Wyoming

Sunstone Income Apartments V, LLC
2820 Townsgate Rd. Suite 207, Westlake Village, CA 91361
State or country in which incorporated — Delaware

Transmit.Live, LLC
245 10th Ave., Unit 2E, New York, NY 10001
State or country in which incorporated — New York

Universal Ibogaine Inc.
303 - 595 Howe St., Vancouver, BC V6C 2T5
State or country in which incorporated — Canada

Venable QOF LLC
c/o SLI Capital, 4242 Six Forks Rd., Suite 820, Raleigh, NC 27609
State or country in which incorporated — Delaware

VP Safety Management II, LLC
111 Valley Dr., Greenwich, CT 06831
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

DEMOLISH BUILDING

Department of Transportation Region 8
Millwood, Westchester County

Sealed bids for Project No. 45901-C, comprising a contract for Construction Work, Demolish Building, DOT Region 8, Westchester County, 180 Sawmill River Road, Millwood (Westchester 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, January 27, 2021, 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 \$22,900 for C.

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

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

The substantial completion date for this project is 121 days after the Agreement is approved by the Comptroller.

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

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

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

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

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

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

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

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

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

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

REPLACE HOT WATER HEAT EXCHANGERS Gouverneur Correctional Facility Gouverneur, St Lawrence County

Sealed bids for Project Nos. 46019-E and 46019-H, comprising separate contracts for Electrical Work, and HVAC Work, Replace Hot Water Heat Exchangers, Buildings 1, 2, 4-19, 23 & 29 Gouverneur Correctional Facility, 112 Scotch Settlement Road, Gouverneur (St

Lawrence County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Correctional Services, until 2:00 p.m. on Wednesday, January 27, 2021, 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 \$22,700 for E and \$86,700 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 \$250,000 and \$500,000 for E, and between \$3,000,000 and \$4,000,000 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 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 861 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.

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

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

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for electrical work and 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. 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

PROVIDE

SALT STORAGE BUILDINGS

Various Department of Transportation Facilities - Region 2
Riceville, Fultonville & Johnstown
Fulton and Montgomery Counties

Sealed bids for Project Nos. 46078-C and 46078-E, comprising separate contracts for Construction Work, and Electrical Work, to Provide Salt Storage Buildings Riceville, Fultonville & Johnstown, Various DOT Facilities - Region 2 (Fulton and Montgomery Counties), 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, January 27, 2021, 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 \$79,500 for C, and \$15,400 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 \$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>

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 occur by September 17, 2021. Due to the tightness of the construction schedule, bidders should consider the necessity for an 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and 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

PROVIDE
SALT STORAGE BUILDINGS
Department of Transportation Region 9
Monticello, Sullivan County

Sealed bids for Project Nos. 46116-C and 46116-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Buildings, DOT Region 9, Sullivan County, 935 E Broadway, Monticello (Sullivan 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, January 27, 2021 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 \$33,400 for C and \$3,600 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 \$500,000 and \$1,000,000 for C and between \$25,000 and \$50,000 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 Pupos, 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>

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 by September 3, 2021. Due to the tightness of the construction schedule, bidders should consider the necessity for an 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for the Construction Work only. 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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Housing and Community Renewal
Housing Trust Fund Corporation
Office of Community Renewal
38-40 State St., 4th Fl. S
Albany, NY 12207

NON-ENTITLEMENT VILLAGES, TOWNS, CITIES OR COUNTIES

NYS Community Development Block Grant (CDBG) Program

Open Round CDBG Economic Development, Small Business, and Microenterprise

The Housing Trust Fund Corporation (HTFC) announces the availability of approximately \$10 million of Federal funds for the following programs:

- \$10 million - NYS Community Development Block Grant (CDBG) funding for Open Round Economic Development, Small Business, and Microenterprise

NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Program Description

The New York State Community Development Block Grant Program (NYS CDBG) is a federally funded program administered by the Housing Trust Fund Corporation's (HTFC) Office of Community Renewal (OCR). The Economic Development, Small Business, and Microenterprise programs will provide resources to non-entitlement communities for the purpose of assisting for-profit businesses that create or retain permanent jobs that are principally held by or made available to low-moderate income persons.

CDBG Eligible Applicants

Eligible applicants include non-entitlement Villages, Towns, Cities or Counties throughout New York State, excluding metropolitan cities and urban counties that are HUD designated Entitlement communities. Eligible applicants must apply on behalf of the business seeking CDBG funds. Awards are made to the applicant community and not directly to businesses.

CDBG Eligible Activities

Funding is available for the following activities:

- To provide financial assistance to businesses for CDBG eligible activities which will result in the creation or retention of permanent job opportunities principally benefitting low- and moderate-income persons. For microenterprises, an owner that qualifies as a low- and moderate-income person also meets the requirements of the CDBG Program.
- To construct publicly owned infrastructure improvements, which are necessary to accommodate the creation, expansion or retention of a business which will result in the creation or retention of permanent job opportunities principally for low- and moderate-income persons.
- To provide resources to promote small business entrepreneurship as a vehicle for sustainable economic development and growth. For the purposes of the Small Business Assistance program, a small business is defined as a commercial enterprise with twenty-five (25) or fewer full-time equivalent employees at the time of application.
- To foster the development or expansion of microenterprises

or by providing grants in conjunction with capacity building and entrepreneurial assistance. For the purposes of the Microenterprise program, a microenterprise is defined as a business with five (5) or fewer employees including the owner at the time of application.

Eligible uses of NYS CDBG funds include but are not limited to acquisition of real property; financing of machinery, furniture, fixtures and equipment; building construction and renovation; working capital; inventory; and employee training expenses. Costs associated with construction, building or other improvements are not eligible uses under the Microenterprise activity.

2020 CDBG ED Funding Limits – Counties, Towns, Cities, and Villages

	Minimum	Maximum
Economic Development	\$100,000	\$750,000
Small Business	\$25,000	\$100,000
Microenterprise	\$100,000	\$300,000

These are provided as guidelines for expected award limits. CDBG is intended as gap financing and only that amount needed to ensure project feasibility should be requested. Larger awards may be approved based on demonstrated need and capacity to complete proposed activities within a 24-month term.

Application for Funding

Applications will be accepted, and awards made, on a rolling basis through December 31, 2021. Applicants are strongly advised to consult with OCR Economic Development staff to determine if the proposed economic development project meets CDBG and OCR program requirements prior to submission of an application. Interested applicants must complete a two-step process, beginning with a pre-application form within the NYS Consolidated Planning Application (CFA), accessible at <https://apps.cio.ny.gov/apps/cfa/>. Based upon the results of the consultation and the pre-submission information, the applicant may be invited to submit a full application for funding within the CFA. Projects will be evaluated against threshold criteria including the ability to meet job creation and HUD underwriting requirements, to demonstrate project viability, and to present firm funding commitments at the time of full application. Applicants may submit pre-applications forms any time upon the posting of this NOFA. All application forms and program guidance is available on the NYS Homes and Community Renewal website: <https://hcr.ny.gov/community-development-block-grant-economic-development-program>

Additional information, questions, and project consultation requests related to CDBG Open Round Economic Development should be directed to OCR program staff at 518-474-2057 or hcr_cfa@nyshcr.org.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the process outlined above. Requests for approval to submit a paper application must be sent to: Crystal Loffler, Deputy Commissioner, NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

Contact Information

For general inquiries or technical assistance regarding the NYS

CDBG program, please contact: NY Home and Community Renewal at the above address or call (518) 474-2057

Division of Housing and Community Renewal

Housing Trust Fund Corporation
Office of Community Renewal
38-40 State St., 4th Fl. S
Albany, NY 12207

NON-ENTITLEMENT VILLAGES, TOWNS, CITIES OR COUNTIES

NYS Community Development Block Grant Program (NYS CDBG)

The Housing Trust Fund Corporation (HTFC) announces the availability of approximately \$20 million Federal funds for the following programs:

- \$20 million - NYS Community Development Block Grant funding for Public Infrastructure, Public Facilities and Community Planning

NYS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PROGRAM DESCRIPTION

The New York State Community Development Block Grant Program (NYS CDBG) is a federally funded program administered by the Housing Trust Fund Corporation's (HTFC) Office of Community Renewal (OCR). The program provides resources to non-entitlement communities to enable the development of decent, affordable housing, create suitable living environments, and enhance economic opportunities across the state.

CDBG ELIGIBLE APPLICANTS

Eligible applicants include non-entitlement villages, towns, cities or counties throughout New York State, excluding metropolitan cities, urban counties, and Indian Tribes that are HUD designated Entitlement communities. Non-entitlement areas are generally defined as cities, towns, and villages with populations of less than 50,000 except those designated principal cities of Metropolitan Statistical Areas, and counties with populations of less than 200,000.

CDBG ELIGIBLE ACTIVITIES

Public Infrastructure

The NYS CDBG Public Infrastructure program consists of two funding activities: drinking water/ clean water/stormwater and public works. Eligible projects for NYS CDBG Public Infrastructure may include the repair or replacement of existing systems, construction of new systems, or expansion of existing systems into areas previously unserved that are in compliance with the NYS Smart Growth Public Infrastructure Act (Chapter 433 of the Laws of 2010) and principally benefit low- and moderate-income persons. Under the Public Infrastructure category, the benefit to low- and moderate-income persons is most commonly achieved through an area benefit.

Public Facilities

The NYS CDBG Public Facility program activities include, but are not limited to, structures to house or serve special-needs populations; senior services; child care centers; removal of architectural barriers for the disabled (installing lifts, automatic doors, ramps, etc.); sidewalks; and multi-purpose buildings housing several qualifying activities where benefits are provided principally to low-and moderate-income persons. Removal of architectural barriers is not eligible in new construction. Under the Public Facilities category, the benefit to low- and moderate-income persons is achieved most commonly through a presumed benefit, which is applicable for seniors, the severely disabled, or abused children. National Objective compliance for public facilities can also be met through the Low/Mod Area (LMA) benefit.

Community Planning

The NYS CDBG Planning program consists of two activities: Com-

munity Needs Assessments and Preliminary Engineering Reports. Any planning proposal must address an activity which, if implemented, meets at least one of two national objectives under the CDBG program. That is, it must be shown that either 1) at least 51% of the persons who would benefit from implementation of the plan are low- and moderate- income persons, or 2) the plan addresses a slum or blighted area in the community.

2020 MAXIMUM FUNDING LIMITS

Public Infrastructure	Maximum
Counties, Towns, Cities or Villages	\$1,000,000
*With NYS Co-Funding Initiative	\$1,250,000
Joint Applicants	\$1,500,000
*Joint w/Co-Funding Initiative	\$1,750,000
Public Facilities	
Counties, Towns, Cities or Villages	\$300,000
Planning	
Counties, Towns, Cities or Villages	\$50,000

APPLICATION FOR FUNDING

The 2020 Application for CDBG Infrastructure, Facilities and Planning Activities will be available on the NYS Consolidated Planning Application (CFA). All application forms and program guidance will be available on the NYS Homes and Community Renewal website, under Funding Opportunities on Wednesday, December 30, 2020. Applications are due no later than 4:00 pm Friday, March 5, 2021. Applications must be submitted using the Consolidated Funding Application (CFA).

The above-stated application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, applications received after the specified date and time will be deemed ineligible and will not be considered for funding. Applicants should make early submission of applications to avoid risk of ineligibility resulting from unanticipated delays or problems.

Applicants may make a request, based on demonstrated need, to submit a paper application in lieu of using the CDOL application system. Requests for approval to submit a paper application must be sent to: Crystal Loffler, Deputy Commissioner, NYS Homes and Community Renewal, Office of Community Renewal, Hampton Plaza, 38-40 State Street, 4th Floor South, Albany, NY 12207.

CONTACT INFORMATION

For inquiries or technical assistance regarding the NYS CDBG program, please contact: NY Home and Community Renewal at the above address or call (518) 474-2057

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

Department of State
F-2020-0855

Date of Issuance – January 13, 2021

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-2020-0855 or the "Noble Street Landing @ Greenpoint Terminal", the applicant 57 West Street, is proposing to install a floating landing offshore of Noble street. The landing will be 90 ft long, 30 ft wide, and 6.5 ft deep, with one ft of draft and 5.5 ft of freeboard. The barge will be located approximately 75 feet offshore and held in place by four (4) comprised of two (2) 16 x 57 wide flanges welded together at the flanges to create a 16 inch by 14-inch composite pile. A 6-foot-wide gangway will provide access from the shore to the barge. The proposed location of the project is at 2 Noble Street Landing, Brooklyn, Kings County, 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-2020-0855_Noble_Street_App.pdf

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, February 12, 2021.

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-2020-0892

Date of Issuance – January 13, 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-2020-0892, Mayer's Marina Inc. is proposing to install sheet pile waterward of an existing sheet pile wall along ~726lf of shoreline, install a rip rap revetment along 33lf of shoreline, add a 100'x6' floating dock and build up an existing boat launch area. The proposal if for Mayer's Marina located at 7 Lake Road in the Town of Webster, Monroe County along the shoreline of Irondequoit Bay.

The stated purpose of the project is to protect the property and building from inundation or flood waters due to high water elevation in 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-2020-0892ForPN.pdf>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, February 12, 2021.

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-2020-0904

Date of Issuance – January 13, 2021

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-2020-0904, or the "Salvatore Doto Project", the applicant Salvatore Doto, is proposing to replace a damaged dock facility and add 4 pile lifts. The project is located at 91 Bay Street, East Atlantic Beach, Nassau County, Reynolds Channel.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/F-2020-0904_Doto_App.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 12, 2021.

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-2020-1130 (DA)

Date of Issuance – January 13, 2021

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 NOAA's National Marine Fisheries Service (NMFS) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting 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.

Proposed rule to implement recommended amendments to the Atlantic Pelagic Longline Take Reduction Plan (PLTRP), which reflects consensus recommendations by the Atlantic Pelagic Longline Take Reduction Team (PLTRT). NMFS developed the initial PLTRP, and this amendment, based on consensus recommendations by the PLTRT. Members of the PLTRT include fishermen and representatives of the Atlantic pelagic longline fishing industry, environmental groups, biologists, the Marine Mammal Commission, representatives of the Mid-Atlantic Regional Fishery Management Council, and NMFS per guidance of section 118(f)(6)(C) of the Marine Mammal Protection Act (MMPA). NMFS is taking this action to reduce serious injury and mortality of short-finned pilot whales from entanglement and hooking in commercial pelagic longline gear, as required by the MMPA. Long-finned pilot whales and Risso's dolphins have been removed from the scope of the amended PLTRP because mortality and serious injury of these species' incidental to the Atlantic pelagic longline fishery are below the insignificance threshold for marine mammals.

The applicant's consistency certification and supporting information are available for review at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1130\(DA\)PLTRPamendment.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1130(DA)PLTRPamendment.pdf)

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 January 28, 2021.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Com-

merce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572

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

PUBLIC NOTICE

Department of State
F-2020-1141

Date of Issuance – January 13, 2021

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-2020-1141, the United State Army Corps of Engineers, proposes to perform maintenance dredging of the New York and New Jersey Channels with placement of the dredged material at a contractor furnished, state permitted upland placement facility. The proposed maintenance dredging provides for a channel 37 ft. deep in rock and 35 ft. deep in soft material, generally 600 ft. wide through Lower New York Bay, Raritan Bay and Arthur Kill. The proposed work is anticipated in the summer to Fall 2021. Proposed project is located at in Richmond County, Arthur Kill Reaches.

The applicant's consistency certification and supporting information are available for review at: http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-1141_ArthurKill_dredging_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/WFRevitalization/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 February 12, 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 Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0587 Matter of Permitech, Inc., Kurt Jacobs, 201 Northwest Dr., Suite Eight, Farmingdale, NY 11735, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one-family dwelling located at 116 Clinton Street, Village of Malverne, NY 11565 County of Nassau, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2020-0590 In the matter of Claudia Laneve, 29 Main Street, Whitesboro NY 13492 for a variance concerning requirements for a fire rating requirement for stair and hallway, cellar stair enclosure and cellar ceiling.

Involved is an existing Multiple Residence occupancy, three stories in height, located at 29 Main Street, Village of Whitesboro, County of Oneida, New York.

ADJUDICATORY REPORTS

Office of Temporary and Disability Assistance

Office of Administrative Hearings

Pursuant to Executive Order No. 131 issued by Governor Mario Cuomo on December 4, 1989, and reconfirmed by Executive Order No. 2 issued by Governor Andrew M. Cuomo on January 1, 2011, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The report published on January 30, 1991, detailed the steps taken to comply with the Order. The Order (Section V) requires that the report include “statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination.” The following statistics on Article 78 proceedings are from the period commencing December 1, 2018, through November 30, 2020.

Cases opened: 88

Cases closed: 77

The closed cases resulted in the following outcomes:

Stipulation of settlement: 31

Decisions favorable to the Office: 36

Withdrawn or abandoned by the petitioner: 9

Decisions adverse to the Office: 1

Reasons for adverse decisions:

Mistake of law as applied to facts: 1

Record deficient: 0

