
NEW YORK STATE

REGISTER

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Notice of Availability of State and Federal Funds

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 Aug 1, 2021
- the 45-day period expires on July 17, 2021
- the 30-day period expires on July 2, 2021

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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The New York State Register (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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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

NOTICE OF ADOPTION

Supplemental Military Leave Benefits

I.D. No. CVS-13-20-00002-A
Filing No. 560
Filing Date: 2021-05-12
Effective Date: 2021-06-02

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

Action taken: Amendment of sections 21.15 and 28-1.17 of Title 4 NYCRR.

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

Subject: Supplemental military leave benefits.

Purpose: To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020.

Text or summary was published in the April 1, 2020 issue of the Register, I.D. No. CVS-13-20-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-20-00009-A
Filing No. 563
Filing Date: 2021-05-12
Effective Date: 2021-06-02

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

Action taken: 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 or summary was published in the April 1, 2020 issue of the Register, I.D. No. CVS-13-20-00009-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-20-00010-A
Filing No. 558
Filing Date: 2021-05-12
Effective Date: 2021-06-02

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 1, 2020 issue of the Register, I.D. No. CVS-13-20-00010-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-20-00011-A

Filing No. 561

Filing Date: 2021-05-12

Effective Date: 2021-06-02

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from the exempt class.

Text or summary was published in the April 1, 2020 issue of the Register, I.D. No. CVS-13-20-00011-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-20-00012-A

Filing No. 559

Filing Date: 2021-05-12

Effective Date: 2021-06-02

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from the non-competitive class.

Text or summary was published in the April 1, 2020 issue of the Register, I.D. No. CVS-13-20-00012-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-13-20-00013-A

Filing No. 562

Filing Date: 2021-05-12

Effective Date: 2021-06-02

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the April 1, 2020 issue of the Register, I.D. No. CVS-13-20-00013-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Peekamoose Valley Riparian Corridor

I.D. No. ENV-22-21-00001-EP

Filing No. 565

Filing Date: 2021-05-13

Effective Date: 2021-05-14

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

Proposed Action: Amendment of section 190.35 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), (d), (2)(m), 9-0105(1) and (3)

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

Specific reasons underlying the finding of necessity: This emergency rulemaking is necessary because it will address an immediate public health and safety situation resulting from a dramatic rise in public use of state forest preserve lands in the Peekamoose Valley Riparian Corridor. Expanding the permit requirement to seven days per week from May 15th through September 15th will ensure social distancing and other guidelines can be followed for the preservation of public health, safety and general welfare as well as prevent further degradation to the natural resources within the Peekamoose Valley Riparian Corridor. Compliance with the normal rule making process would delay implementation beyond the 2021 summer season, and would thus be contrary to the public interest of providing a safe setting for outdoor recreation during the most popular months of the year. The Department has the statutory authority to promulgate regulations under Environmental Conservation Law ("ECL") section 3-0301.

Subject: Peekamoose Valley Riparian Corridor.

Purpose: Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor.

Text of emergency/proposed rule: 6 NYCRR Section 190.35, Peekamoose Valley Riparian Corridor

Subdivision (i) of section 190.35 is amended as follows:

(i) From May 15th through [October 15th] *September 15th* of each year [on Saturdays, Sundays and State and Federal holidays,] no person shall enter the Peekamoose Valley Riparian Corridor [east of the County Route 42 bridge crossing the Rondout Creek], an area that includes that portion of the Rondout Creek known as the Blue Hole, *Buttermilk Falls and the lower, middle and upper field camping areas*, except under permit from the department.

Section 190.35 is amended by adding two new subdivisions (j) and (k) as follows:

(j) *No person shall possess alcoholic beverages within the Peekamoose Valley Riparian Corridor except those camping at designated campsites.*

(k) *No person shall possess coolers larger than 12" (any dimension) within the Peekamoose Valley Riparian Corridor except those camping at designated campsites.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire August 10, 2021.

Text of rule and any required statements and analyses may be obtained from: William Rudge, Natural Resource Supervisor, NYS DEC, 21 South Putt Corners Road, New Paltz, NY 12561-1696, (845) 256-3092, email: bill.rudge@dec.ny.gov

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

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

Additional matter required by statute: A Short EAF was prepared in compliance with Article 8 of the Environmental Conservation Law

Regulatory Impact Statement**1. Statutory Authority:**

Article XIV, Section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands.”

Environmental Conservation Law (“ECL”) § 1-0101(3)(b) directs the Department of Environmental Conservation (Department) to guarantee “that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences.”

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

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

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

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

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

2. Legislative Objectives:

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

3. Needs and Benefits:

The Peekamoose Valley Riparian Corridor is an area encompassing more than 270 acres of Forest Preserve lands straddling the upper Rondout Creek along Peekamoose Road (Ulster County 42) in the Town of Denning in Ulster County. The Valley is a remote area in the heart of the Catskill Park and New York City’s Catskill/Delaware watershed. The upper Rondout Creek flows into the Rondout Reservoir, an important and high-quality drinking water supply for New York City. In recent years there has been a dramatic increase in public use of the Peekamoose Valley Riparian Corridor, resulting in unacceptable impacts to natural resources as well as serious public health and safety issues.

In 2015, the Department attempted to address the problems associated with overuse by implementing a number of strategies, including: clearly defining parking lots and limiting parking to those lots; prohibiting parking along the road (as posted by the Town of Denning); performing weekly garbage pick-ups; and recommending alternative swimming/picnicking areas. These alternative recommendations included Department campgrounds, which have appropriate facilities and are more suited to withstanding more intense public use. Despite these efforts, in 2016 the Department determined that it was necessary to promulgate special regulations for the Peekamoose Valley Riparian Corridor, which encompasses approximately 270 acres of Forest Preserve lands in the Sundown Wild Forest and Slide Mountain Wilderness Area.

The regulation includes several prohibitions designed to protect water quality, protect the area from overuse and address activities which impact public health and safety. Again, public use of the area continued to increase and in June of 2018 the Department amended the regulation to create a day-use permit system for the western portion of the Corridor which included the Blue Hole. The regulation requires that all visitors to the Blue Hole must obtain a permit on weekends and holidays from May 15th thru October 15th of each year. Permits could only be obtained through Reserve America, similar to the reservation system for DEC’s campgrounds. While DEC incurred an administrative cost for each permit, permits were issued free of charge to the user. Permits were issued for up to 6 individuals and a maximum of 40 permits were issued on any day that permits were required – allowing for a maximum of 240 people/day.

Overall, the permit system was a success, greatly reducing the number of visitors on weekends and holidays when use had historically surpassed the carrying capacity for the area. While our stewards interacted with over 15,000 visitors during the course of the 2018 and 2019 seasons, use of the Blue Hole was reduced to 6,500 visitors - 1,700 under permit on weekends and holidays and 4,800 on weekdays (no permit limitation). This compares to some Sundays in previous years where over 1,000 visitors were

encountered in a single day. Over 6,000 people that arrived without a permit were educated and, after providing suggestions for alternative locations, were turned away. Reserve America collected data on the individuals who got a permit, and from that data we found that nearly 70% of those who got a permit were from the NY/NJ metropolitan area. Key to success of the permit system was the presence of the Blue Hole Stewards and Forest Rangers, who educated the visitors and ensured they understood and followed the rules.

The Peekamoose Valley Riparian Corridor, and specifically the Blue Hole, experienced a dramatic increase in visitation during the 2020 season. This increase can partially be attributed to the pandemic and an increased desire for individuals to recreate locally. Blue Hole Stewards interacted with 24,281 visitors over the course of the season. Under the permit system (weekends and holidays) visitor use decreased from 3,101 visitors in the 2019 season to 2,021 in 2020. This decrease is likely due to Department efforts to reduce the number of permits allowed on weekends to meet social distancing guidelines designed to combat the COVID-19 pandemic. However, weekday visitation increased from 2,509 to 10,369 (no permit limitation). Overall, in 2020 visitation increased 225% (2019 total visitation: 10,796).

The most dramatic change we observed in 2020 was an increase in weekday use. In past years, weekday use was nominal. This season, weekday use ranged from 300-700 people/day. We also observed a tremendous amount of trash, litter and human waste as well as illegal parking and congestion at the Blue Hole. DEC Forest Rangers issued nearly 400 tickets during the 2020 season (228 tickets for permit violations and 170 for parking violations), compared to less than 100 tickets in 2019.

Despite the Department’s significant efforts to address the area’s problems, public use continues to exceed the area’s carrying capacity. Such overuse has resulted in unsanitary conditions, threats to water quality, trampled vegetation and a dramatic degradation of the wild character of the area. Because of the immediate threat to the public health, safety and general welfare, combined with the surge in the number of people recreating in the Peekamoose Valley Corridor mid-week, it is essential to expand the permit requirement to all days of the week from May 15th through September 15th. In addition, it is necessary to expand the area where a permit is required to encompass the entire riparian (Rondout Creek) corridor. The expanded permit system will prevent those visitors who arrive without a permit from going downstream and congregating in an unrestricted area, causing natural resource impacts and making social distancing difficult. The area within the Corridor requiring a permit will also encompass a traditional camping area, requiring campers to obtain a permit prior to camping.

While the permit system is intended to ease congestion and overuse, additional measures are necessary to reduce the amount of trash and human waste impacting the site. As a result, the amendment proposes to expand the prohibited activities to prohibit alcohol and large coolers. These prohibitions are intended to mitigate impacts to the natural resource and protect public health from trash and human waste. As a result, it is necessary to amend the regulation on an emergency basis prior to the anticipated heavy public use of the 2021 season to protect public health, safety and general welfare, and to maintain the natural character of the area so that it will be available for sustained public use and enjoyment. Given the significant threats to public health, safety and the environment and the inability of the normal rulemaking process to result in the promulgation of regulations in time for this summer’s busy season, it is appropriate to adopt these regulations now on an emergency basis.

The Department has received initial public input on the proposed actions through meetings and interaction with local government officials, including the Town of Denning Supervisor, and in meetings with stakeholder organizations, including the Catskill Park Advisory Committee.

4. Costs:

It is anticipated that any administrative costs associated with the administration of the expanded permit system will be offset by a permit fee of \$10 per permit.

5. Local Government Mandates:

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

6. Paperwork:

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

7. Duplication:

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

8. Alternatives:

The no-action alternative is not feasible since the existing regulation does not adequately protect the Peekamoose Valley Riparian Corridor from overuse and abuse and does not protect the public health, safety, and general welfare.

Closing the area to public use is also not an acceptable alternative. For-

est Preserve land is acquired for the use of and enjoyment by the public. ECL section 9-0301(1) provides that "all lands in the Catskill Park . . . shall be forever reserved and maintained for the free use of all the people . . ." The closure of Forest Preserve land to public use should not occur except when absolutely necessary to protect public health or the resource.

9. Federal Standards:

There is no relevant federal standard governing the use of State lands.

10. Compliance Schedule:

Once the regulations are adopted, they will be effective immediately, and all persons will be expected to comply with them upon the anticipated effective date of May 14, 2021. The Department will educate the public about the regulations through information posted on the Departments' web site, signage posted on the property, social media, at the Catskill Visitor Center and by working with user groups and other stakeholders to help disseminate information regarding the regulations.

Regulatory Flexibility Analysis

The proposed rulemaking will address overuse and protect public health, safety and general welfare on the Peekamoose Valley Riparian Corridor by implementing a permit system from May 15th through September 15th of each year while still providing a quality outdoor experience for users. The proposed regulation relates solely to protecting public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor and does not impose any reporting, record-keeping or other compliance requirements on small businesses and local governments.

As a result, a Regulatory Flexibility Analysis for Small Businesses and Local Governments is not necessary and is not submitted with these regulations.

Rural Area Flexibility Analysis

The proposed rulemaking will address overuse and protect public health, safety and general welfare on the Peekamoose Valley Riparian Corridor by implementing a permit system from May 15th through September 15th of each year while still providing a quality outdoor experience for users.

A Rural Area Flexibility Analysis is not submitted and is not required because the proposal will not impose any reporting, record-keeping or other compliance requirements on rural areas. The proposed regulation relates solely to protecting public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor.

Job Impact Statement

The proposed rulemaking will address overuse and protect public health, safety and general welfare on the Peekamoose Valley Riparian Corridor by implementing a permit system from May 15th through September 15th of each year while still providing a quality outdoor experience for users.

A Job Impact Statement is not submitted and is not required because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities. The proposed regulation relates solely to protecting public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor.

New York State Gaming Commission

NOTICE OF ADOPTION

Restrictions on Clenbuterol Use in Thoroughbred Racing

I.D. No. SGC-09-21-00011-A

Filing No. 570

Filing Date: 2021-05-17

Effective Date: 2021-06-02

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

Action taken: Amendment of section 4043.12(b) of Title 9 NYCRR.

Statutory authority: Racing Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Restrictions on clenbuterol use in Thoroughbred racing.

Purpose: To improve integrity, health and safety of Thoroughbred horse racing.

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. SGC-09-21-00011-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

Public comment was received from the New York Thoroughbred Horsemen's Association, Inc. stating support for the rule.

Public comment was received from the New York Racing Association (NYRA) supporting the objective of the rule based on the high priority of equine and human athlete safety. Clarification was requested on how the urine will be collected for compliance testing, specifically if the urine collection will be through the state-run test barn and at what time relative to racing. NYRA further recommended guidance be provided for horsemen regarding withdrawal periods for clenbuterol. The Commission notes that the rule does not mandate any particular collection methodology and that the State test barn and staff can be used for the collection of samples if collection arrangements are made in advance. As for withdrawal periods, because any horse undertaking a clenbuterol treatment plan would be required to test clean of clenbuterol before racing, there is no need to establish withdrawal periods. The Commission also notes that the horsemen raised no concern with withdrawal guidelines in their written comment.

NOTICE OF ADOPTION

Thresholds for Controlled Therapeutic Medications in Horse Racing

I.D. No. SGC-09-21-00012-A

Filing No. 569

Filing Date: 2021-05-17

Effective Date: 2021-06-02

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

Action taken: Amendment of sections 4043.3(a) and 4120.3(a) of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1), (19), 301(1), (2) and 902(1)

Subject: Thresholds for controlled therapeutic medications in horse racing.

Purpose: To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. SGC-09-21-00012-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The New York Thoroughbred Horsemen's Association, Inc. stated support for the rule.

NOTICE OF ADOPTION

Casino Table Game Rules

I.D. No. SGC-09-21-00013-A

Filing No. 573

Filing Date: 2021-05-18

Effective Date: 2021-06-02

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

Action taken: Amendment of sections 5300.1, 5322.2, 5324.10, 5324.11, 5324.12, 5324.20, 5324.21; addition of section 5321.18 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(g), 1335(4), (5), (6) and (11)

Subject: Casino table game rules.

Purpose: To set forth the practices and procedures for the conduct and operation of table games.

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. SGC-09-21-00013-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Regulation of Bingo

I.D. No. SGC-09-21-00015-A

Filing No. 572

Filing Date: 2021-05-18

Effective Date: 2021-06-02

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

Action taken: Amendment of section 4800.1, Parts 4820, 4821 and 4823; repeal of section 4820.25 of Title 9 NYCRR.

Statutory authority: Executive Law, section 435(1)(a), (3); General Municipal Law, section 495-a(2)(b)(ii); Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19)

Subject: Regulation of bingo.

Purpose: To conform bingo rules to current statutes, including allowing payment for bingo opportunity by check.

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. SGC-09-21-00015-P.

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

Text of rule and any required statements and analyses may be obtained from: Kristen M. Buckley, New York State Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Department of Health

EMERGENCY RULE MAKING

Surrogacy Programs and Assisted Reproduction Service Providers

I.D. No. HLT-09-21-00009-E

Filing No. 568

Filing Date: 2021-05-17

Effective Date: 2021-05-17

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

Action taken: Addition of Subpart 69-11 to Title 10 NYCRR.

Statutory authority: General Business Law, section 1404; Public Health Law, sections 2599-cc and 4365(4)

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

Specific reasons underlying the finding of necessity: There have been documented cases in which the owners of business that broker surrogacy agreements have misappropriated and absconded with client funds and otherwise inadequately or negligently administered their programs to the detriment of their clients, including the donors and surrogates. When Laws of 2020, chapter 56, Part L, goes into effect on February 15, people in New York may begin to enter into surrogacy agreements even if the Department does not promulgate these regulations. There is a danger that the parties involved will not follow guidelines and best practices relating to screening of surrogates and intended parents. There is also a danger that guidelines and best practices relating to screening of ova donors will not be followed.

If these regulations are not in place when gestational surrogacy becomes legal in New York, there is a danger that medical procedures will take place without the necessary investigation and evaluation to promote a safe outcome for both the surrogate and the child who is born. The surrogate must be given proper medical examination to assess the surrogate's physical and mental health in order to make sure the surrogate is suitable. A psychological assessment increases the likelihood that the surrogate has the ability keep both the surrogate and the developing child healthy through the pregnancy, labor and delivery. The surrogate's physical and mental health during gestation could affect the child's health and wellbeing. The age and reproductive history of the surrogate should be evaluated prior to undertaking gestational surrogacy.

Surrogacy arrangements must not take advantage of people who may want to become surrogates, and in the absence of these regulations, there is a danger that gestational surrogates may not have all of the supportive services needed during and after the birth. Gestational surrogates must have certainty that they will be fairly compensated and that the intended parents will accept custody of the children regardless of the number, gender, or mental or physical condition. There is also a need to protect intended parents from entering into binding contracts that could compromise the child's health or not result in the person acting as surrogate voluntarily surrendering custody to the intended parents upon the birth of the child. These regulations will ensure that surrogacy arrangements comply with legal and ethical rules for gestational surrogacy.

In the absence of these regulations, the health and safety of gestational surrogates and babies born under surrogacy agreements would be in serious jeopardy, and the State of New York would have little leverage to take action against those responsible for the execution of unethical surrogacy arrangements that result in bad health outcomes.

Subject: Surrogacy Programs and Assisted Reproduction Service Providers.

Purpose: To license and regulate surrogacy programs.

Substance of emergency rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/emergency>): This regulation implements the provisions of Part L of Chapter 56 of the Laws of 2020 that are within the purview of the New York State Department of Health. Part L of Chapter 56 of the Laws of 2020, among other things, added Article 5 C to the Family Court Act (judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements), amended Public Health Law Article 42 (vital statistics), added a new Article 44 to the General Business Law (regulation of surrogacy programs and assisted reproduction service providers), added a new Article 25-B to the Public Health Law (gestational surrogacy), and amended Public Health Law Article 43 (anatomical gifts).

These new provisions of law are intended to establish a parent-child relationship where the child or children is/are conceived through assisted reproduction ("Child"), and a gestational surrogate, an adult who is not an intended parent, enters into a surrogacy agreement to bear the Child resulting from an embryo formed using gametes other than the surrogate's. The Legislature directed the Department to regulate surrogacy programs and assisted reproduction service providers, the practice of gestational surrogacy, and the donation of ova to ensure the health and safety of the surrogate, the egg donor and the Child born under gestational surrogacy agreements, to ensure that the surrogacy agreement is ethical, and to ensure that surrogacy agreements are fair to the parties that enter into them.

This regulation provides a process for the licensing of surrogacy programs, the registration of gestational surrogacy assisted reproduction service providers, and the creation of a surrogacy registry and an ova registry. This regulation also implements the requirements for the Department of Health to establish gestational surrogacy guidelines and ova donation guidelines.

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. HLT-09-21-00009-P, Issue of March 3, 2021. The emergency rule will expire July 15, 2021.

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

Regulatory Impact Statement

Statutory Authority:

Section 1404 of the General Business Law directs the Department of Health (Department) to promulgate regulations to implement the requirements of General Business Law Article 44 by regulating surrogacy programs and assisted reproduction service providers.

Section 2599-cc of the Public Health Law directs the Department to promulgate regulations on the practice of gestational surrogacy.

Section 4365(4) of the Public Health Law directs the Department to promulgate regulations on the donation of ova.

Legislative Objectives:

Part L of Chapter 56 of the Laws of 2020, among other things, added Article 5 C to the Family Court Act (judgments of parentage of children conceived through assisted reproduction or pursuant to surrogacy agreements), amended Public Health Law Article 42 (vital statistics), added a new Article 44 to the General Business Law (regulation of surrogacy programs and assisted reproduction service providers), added a new Article 25-B to the Public Health Law (gestational surrogacy), and amended Public Health Law Article 43 (anatomical gifts).

These new provisions of law are intended to establish a child's relationship to his or her parents where the child is conceived through assisted reproduction, and a gestational surrogate, an adult who is not an intended parent, enters into a surrogacy agreement to bear the child resulting from an embryo formed using eggs other than their own. The Legislature directed the Department to regulate surrogacy programs and assisted reproduction service providers, the practice of gestational surrogacy, and the donation of ova to ensure the health and safety of the surrogate, the egg donor and the children born under gestational surrogacy agreements, to ensure that the surrogacy agreement is ethical, and to ensure that surrogacy agreements are fair to the parties that enter into them.

Needs and Benefits:

Licensing and regulation of surrogacy programs and assisted reproduction service providers will protect the donors, surrogates, and the children who are born under gestational surrogacy agreements. There have been documented cases in which the owners of businesses that broker surrogacy agreements have misappropriated and absconded with client funds and otherwise inadequately or negligently administered their programs to the detriment of their clients, including the donors and surrogates. These licensure requirements for surrogacy programs in New York State will reduce incompetence and fraud in the operation of businesses that arrange gestational surrogacy agreements.

Gestational surrogacy provides an opportunity for New Yorkers to become parents despite circumstances in which pregnancy is either biologically not possible or medically contraindicated. Although gestational surrogacy increases opportunities for family building, it also involves medical, psychosocial, fiscal and ethical considerations, as well as legal complexities. These regulations provide a framework to address these important considerations and establish protections for gestational surrogates and intended parents.

Costs:

Costs to Regulated Parties:

Surrogacy programs will have to pay a \$1,000 fee to become licensed and a \$200 annual renewal fee, and they will incur the costs of becoming licensed. Assisted reproduction service providers are already regulated as health care providers, and this regulation will not increase their costs significantly.

It is entirely voluntary to enter into a surrogacy agreement, and this regulation will not significantly affect the cost of doing so. Rather, this regulation will help ensure that surrogacy agreements are commercially reasonable for payer and payee.

Costs to Local Governments:

Local governments will incur no costs under this regulation, as it will have no effect on the administration of local government.

Costs to the Department of Health:

The New York State Department of Health will devote the cost of approximately one grade 23 full time equivalent to the administration of this new program, which may be partially offset by the collection of surrogacy program licensing fees. The cost to the Department is the result of Laws of 2020, Chapter 56, Part L, not the implementation of the law with this regulation, which the Department is required to promulgate under Laws of 2020, Chapter 56, Part L.

Paperwork:

Individuals and entities wishing to become licensed as surrogacy programs under this regulation will be required to complete an application and provide information to the Department regarding their business. Surrogacy programs will be required to submit information to the Department

in order for the Department to maintain the surrogacy registry, and assisted reproduction service providers will be required to register with the Department, submit information about the types and numbers of procedures performed in connection with gestational surrogacy agreements and submit information to the Department in order for the Department to maintain the ova donation registry. Such paperwork is the result of the Laws of 2020, Chapter 56, Part L, rather than these regulations.

Local Government Mandates:

This regulation imposes no mandates on local governments.

Duplication:

These regulatory amendments do not duplicate any New York State or federal rules.

Alternatives:

The alternative would be to not promulgate this regulation. However, this alternative would be contrary to Laws of 2020, Chapter 56, Part L, which requires the Department to promulgate this regulation. The regulation was written to impose the least burden on regulated parties and to reduce costs to the taxpayers, while protecting the health and safety of donors, surrogates, and the parties to surrogacy agreements, as well as the children who are born under surrogacy agreements.

Federal Standards:

There are no federal statutes or regulations that apply to the subject matter of this regulation.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State. Already-existing assisted reproduction service providers as of the effective date of this regulation must comply with the regulation within 120 days.

Regulatory Flexibility Analysis

Effect of Rule:

There are currently no surrogacy programs operating in New York. It is not known how many surrogacy programs will begin providing services when the Laws of 2020, Chapter 56, Part L go into effect. However, many are anticipated to be small businesses. It is also not known how many currently licensed tissue banks will choose to register as assisted reproduction service providers, but some are likely to be small businesses.

This regulation has no effect on local government.

Compliance Requirements:

Small businesses wishing to operate surrogacy programs and assisted reproduction service providers will be subject to the same requirements as larger businesses. They must submit information to the Department and comply with the other requirements in this regulation to become licensed. Surrogacy programs will be required to submit information to the Department in order for the Department to maintain the surrogacy registry, and assisted reproduction service providers will be required to submit information to the Department in order for the Department to maintain the ova donation registry.

Professional Services:

It is expected that regulated parties will need the assistance of attorneys or other consultants in order to comply with Laws of 2020, Chapter 56, Part L and this regulation, which implements that law.

Compliance Costs:

Surrogacy programs will have to pay a \$1,000 fee to become licensed and a \$200 annual renewal fee. Assisted reproduction service providers are already regulated as health care providers, and this regulation will not increase their costs significantly.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

The proposed regulations are required to implement Laws of 2020, Chapter 56, Part L. They are intended to impose the least burden on regulated parties and to reduce costs to the taxpayers, while protecting the health and safety of donors, surrogates, and the parties to surrogacy agreements, as well as the children who are born under surrogacy agreements.

Small Business and Local Government Participation:

Stakeholders, including the American College of Obstetricians and Gynecologists (ACOG), the American Society for Reproductive Medicine (ASRM), ResOLVE: The National Infertility Association, and the American Bar Association, were consulted in the development of these regulations.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<https://www.census.gov/quickfacts/>). At present, it is unknown how many sur-

rogacy programs and assisted reproduction service providers will be located in these counties.

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

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010. At present, it is unknown how many surrogacy programs and assisted reproduction service providers will be located in these counties.

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

Compliance Requirements:

Individuals and entities in rural areas wishing to operate surrogacy programs and assisted reproduction service providers will be subject to the same requirements as regulated entities in non-rural areas. Such entities must submit information to the Department and comply with the other requirements in this regulation to become licensed. Surrogacy programs will be required to submit information to the Department in order for the Department to maintain the surrogacy registry, and assisted reproduction service providers will be required to submit information to the Department in order for the Department to maintain the ova donation registry.

Professional Services:

It is expected that regulated parties will need the assistance of attorneys or other consultants in order to comply with Laws of 2020, Chapter 56, Part L and this regulation, which implements that law.

Compliance Costs:

Surrogacy programs will have to pay a \$1,000 fee to become licensed and a \$200 annual renewal fee. Assisted reproduction service providers are already regulated as health care providers, and this regulation will not increase their costs significantly.

Minimizing Adverse Impact:

The proposed regulations are required to implement Laws of 2020, Chapter 56, Part L. They are intended to impose the least burden on regulated parties and to reduce costs to the taxpayers, while protecting the health and safety of donors, surrogates, and the parties to surrogacy agreements, as well as the children who are born under surrogacy agreements.

Rural Area Participation:

Stakeholders, including the American College of Obstetricians and Gynecologists (ACOG), the American Society for Reproductive Medicine (ASRM), Resolve: The National Infertility Association, and the American Bar Association, were consulted in the development of these regulations.

Job Impact Statement

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

Assessment of Public Comment

The agency received no public comment.

**EMERGENCY
RULE MAKING**

COVID-19 Confirmatory Testing

I.D. No. HLT-22-21-00002-E

Filing No. 567

Filing Date: 2021-05-14

Effective Date: 2021-05-14

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

Action taken: Amendment of section 405.11; addition of sections 77.13, 77.14 and 415.33 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2800, 2803 and 3401; Executive Order No. 202.59

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

Specific reasons underlying the finding of necessity: During a state disaster emergency, Section 29-a of the Executive Law permits the Governor to, among other things, “temporarily suspend any statute, local law, ordinance, orders, rules, or regulations, or parts thereof, of any agency. . . if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the state disaster emergency.” To that end, on March 7, 2020, and in response to the COVID-19 pandemic, Governor Andrew M. Cuomo issued Executive Order No. 202, declaring a state disaster emergency, thereby enabling additional State action that aided in addressing the threat that COVID-19 presents to the health and welfare of New York State residents and visitors.

Contact tracing is particularly important for cases of COVID-19 as the State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess the number of COVID-19 cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Patients or residents without symptoms, but who have had an exposure to COVID-19 must also be tested for COVID-19, and any other clinically appropriate testing. Further, in the event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

Consistent with CDC guidance and the end of the influenza season, the Department is removing the general requirement that hospitals and nursing homes test patients and residents for influenza, and the general requirement that funeral directors, coroners and medical examiners to test deceased persons for influenza, as influenza is not prevalent in the state and COVID-19 protocols require face coverings in healthcare settings.

Given the foregoing, the Department has determined that these regulations should be issued on an emergency basis.

Subject: COVID-19 Confirmatory Testing.

Purpose: To require confirmatory COVID-19 testing in several settings to improve case statistics and contact tracing.

Text of emergency rule: Section 405.11 of 10 NYCRR is amended by adding a new subdivision (h) to read as follows:

(h) COVID-19 Confirmatory Testing.

(1) Any patient with symptoms of COVID-19 or who has been exposed to COVID-19 shall be tested for the COVID-19 virus, along with any other clinically appropriate testing.

(2) Whenever a person expires while in the hospital, or while enroute to the hospital, and in the professional judgment of the attending clinician there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed in the 14 days before death, the hospital shall administer a COVID-19 test within 48 hours after death, along with any other clinically appropriate testing. Such COVID-19 test shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of such test results through the Health Emergency Response Data System (HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the hospital lack the ability to perform such testing expeditiously, the hospital should request assistance from the State Department of Health.

A new section 415.33 of 10 NYCRR is added to read as follows:

415.33 COVID-19 Confirmatory Testing.

(1) Any resident with symptoms of COVID-19 or who has been exposed to COVID-19 shall be tested for the COVID-19 virus, along with any other clinically appropriate testing.

(2) *Whenever a person expires while in a nursing home, where in the professional judgment of the nursing home clinician there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed in the 14 days before death, the nursing home shall administer a COVID-19 test within 48 hours after death, along with any other clinically appropriate testing. Such COVID-19 test shall be performed using rapid testing methodologies to the extent available. The facility shall report the death to the Department immediately after and only upon receipt of such test results through the Health Emergency Response Data System (HERDS). Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the nursing home lack the ability to perform such testing expeditiously, the nursing home should request assistance from the State Department of Health.*

A new section 77.13 of 10 NYCRR is added to read as follows:

77.13 COVID-19 Confirmatory Testing – Funeral Directors.

Whenever the funeral director has been advised by an attending health care practitioner (whether the death was in hospice, an adult care facility, or any another setting where a positive diagnosis was not made) and there is a clinical suspicion that COVID-19 was a cause of death, but no such test was performed within 14 days prior to death in a nursing home or hospital, or by the hospice agency, coroner, or medical examiner, the funeral director shall administer a COVID-19 test within 48 hours after death, whenever the body is received within 48 hours after death. Such test shall be performed using rapid testing methodologies to the extent available. The funeral director shall report the death to the Department immediately after and only upon receipt of such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the funeral director lack the ability to perform such testing expeditiously, the funeral director should request assistance from the State Department of Health.

A new section 77.14 of 10 NYCRR is added to read as follows:

77.14 COVID-19 Confirmatory Testing – Coroners and Medical Examiners.

Whenever a coroner or medical examiner has a reasonable suspicion that COVID-19 was a cause of death, but no such test was performed within 14 days prior to death in a nursing home or hospital, or by the hospice agency, the coroner or medical examiner shall administer a COVID-19 test within 48 hours after death, whenever the body is received within 48 hours after death. Such test shall be performed using rapid testing methodologies to the extent available. The coroner or medical examiner shall report the death to the Department immediately after and only upon receipt of such test results, through a means determined by the Department. Notwithstanding the foregoing, no test shall be administered if the next of kin objects to such testing. Should the coroner or medical examiner lack the ability to perform such testing expeditiously, the coroner or medical examiner may request assistance from the State Department of Health.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires August 11, 2021.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations with respect to facilities subject to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2). PHL Article 28 (Hospitals), section 2800, specifies: "Hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article." PHL section 2801 defines the term "hospital" as also including residential health care facilities, which are commonly referred to as nursing homes. PHL section 2803 (2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of such health care facilities. PHL 3401 authorizes the Commissioner to issue regulations pertaining to the business of funeral directing.

Executive Order No. 202, as extended, authorizes the Commissioner to directly issue emergency regulations pursuant to PHL section 2803, Article 2-B of the Executive Law authorizes the Governor in the course of any emergency to direct any person to take any action necessary to cope with the declared disaster emergency. Pursuant to Article 2-B, Executive Orders 202.59 and 202.60, as extended and amended, directed the Commissioner to act to ensure accuracy in contacts tracing and testing of persons under investigation (PUIs) who may have COVID-19. Executive Orders 202.59 and 202.60, respectively, direct the Commissioner to develop, by emergency regulations, comprehensive statewide protocols for the timely testing and reporting of all COVID-19 cases, as well as sets forth testing and reporting requirements for coroners and medical examiners, to continue to ensure that the State has the most accurate data to evaluate the number of cases and to best ensure timely contact tracing efforts are implemented. Upon the future declaration of any disaster emergency, any further authorization by the Governor pursuant to Article 2-B of the Executive Law, if it should suspend any statutes which otherwise conflict with these regulations, will establish the immediate effectiveness of these provisions, and the current actions taken establish their immediate effectiveness.

Legislative Objectives:

The objectives of PHL Article 28 include protecting the health of New York State residents by ensuring that they have access to safe, high-quality health services in medical facilities, while also protecting the health and safety of healthcare workers. The objective of PHL Section 3401 is to authorize the Commissioner to regulate the business of funeral directing.

Needs and Benefits:

During a state disaster emergency, Section 29-a of the Executive Law permits the Governor to, among other things, "temporarily suspend any statute, local law, ordinance, orders, rules, or regulations, or parts thereof, of any agency. . . if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the state disaster emergency." To that end, on March 7, 2020, and in response to the COVID-19 pandemic, Governor Andrew M. Cuomo issued Executive Order No. 202, declaring a state disaster emergency, thereby enabling additional State action that aided in addressing the threat that COVID-19 presents to the health and welfare of New York State residents and visitors.

Contact tracing is particularly important for cases of COVID-19 as the State continues its highly effective containment and mitigation strategies to ensure that the spread of COVID-19 remains at a level that the hospital system can accommodate. In order for New York State to more fully assess the number of COVID-19 cases and conduct contact tracing, testing of hospital patients and nursing home residents must be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Patients or residents without symptoms, but who have had an exposure to COVID-19 must also be tested for COVID-19, and any other clinically appropriate testing. Further, in the event of an unattended death, in those instances where such testing was not already performed, the coroner, medical examiner, or funeral director must perform the test, depending on who first receives the deceased.

Consistent with CDC guidance and the end of the influenza season, the Department is removing the general requirement that hospitals and nursing homes test patients and residents for influenza, and the general requirement that funeral directors, coroners and medical examiners to test deceased persons for influenza.

Costs:

Costs to Regulated Parties:

The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID-19 testing technologies have been advertised at as low as \$5 per test.

Costs to Local Governments:

For those local governments that operate a general hospital or nursing home, the costs will be the same as those described above.

Cost to State Government:

The administration and oversight of these planning and response activities will be managed within the Department's existing resources.

Paperwork:

It is not anticipated that the proposed regulatory amendments will impose any significant paperwork requirements. Although this regulation will require hospitals and nursing homes to test persons for COVID-19, the Department does not anticipate that such additional tests will be burdensome given that these facilities are already testing patients and residents for these diseases in many instances.

Local Government Mandates:

Facilities operated by local governments will be subject to the same requirements as any other regulated facility, as described above.

Duplication:
These proposed regulatory amendments do not duplicate state or federal rules.

Alternatives:
The alternative would be to not promulgate the regulation, and to allow deaths to be reported as “presumed” deaths of COVID-19. However, this alternative was rejected on two grounds. First, a lack of the regulation would translate to a lack of accuracy in case statistics and delays or inadequate contact tracing, which would allow COVID-19 to spread indefinitely. Second, the regulations would encourage hospitals, nursing homes and hospices to test patients early for COVID-19, which will increase safety of patients and residents.

Federal Standards:
No federal standards apply.
Compliance Schedule:
These regulatory amendments will become effective upon filing with the Department of State.

Regulatory Flexibility Analysis

Effect of Rule:
For those local governments or small businesses that operate a general hospital or nursing home, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

Compliance Requirements:
As discussed above, testing of hospital patients and nursing home residents will be mandatory, where such patients or residents are or were suspected, but not known, to have been suffering from COVID-19. Significantly, this includes testing after a resident or patient is deceased, in those instances where such testing was not performed in the 14 days preceding death.

Professional Services:
It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used when available.

Compliance Costs:
The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected but not known to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test.

Economic and Technological Feasibility:
This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

Minimizing Adverse Impact:
Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19. In the case of nursing homes, facilities are required to test personnel for COVID-19 pursuant to New York State Executive Order 202.30, as modified by Executive Order 202.88. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal. Moreover, the Department will work to promptly issue guidance documents to covered parties to clarify these emergency regulatory requirements, thus helping to minimize any adverse impacts.

Small Business and Local Government Participation:
Due to the emergent nature of COVID-19, small business and local governments were not consulted. However, parties representing local governments and small businesses may submit comments during the notice and commenter period in the event the Department promulgates proposed regulations.

Rural Area Flexibility Analysis

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

entities or resources as are found therein.” The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010:

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

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

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

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

It is not expected that any new professional services will be needed to comply with this rule. Where testing must be conducted on a deceased person, rapid testing technology may be used.

Compliance Costs:
The regulation requires regulated entities to perform confirmatory COVID-19 testing on persons suspected, but not known, to be suffering or to have suffered from COVID-19. The cost for testing for SARS-CoV-2 using a general polymerase chain reaction (PCR) test ranges from \$100-150 per sample. However, where testing is conducted on a deceased person, rapid testing methodology may be used; the Department understands that only some hospitals and nursing homes may have this capability at this time. Newer rapid COVID testing technologies have been advertised at as low as \$5 per test. Lastly, per SAPA § 202-bb(3)(c), it is not anticipated that there will be any significant variation in cost for different types of public and private entities in rural areas.

Economic and Technological Feasibility:
This proposal will not impose any economic or technological compliance burdens, other than the costs described above.

Minimizing Adverse Impact:
Many facilities covered under this regulation, including those owned and operated by a local government or small business, currently test patients or residents for COVID-19. In the case of nursing homes, facilities are required to test personnel for COVID-19 pursuant to New York State Executive Order 202.30, as modified by Executive Order 202.88. Given that such facilities are actively testing persons within their facility, the Department anticipates that any adverse impacts will be minimal. Moreover, the Department will work to promptly issue guidance documents to covered parties to clarify these emergency regulatory requirements, thus helping to minimize any adverse impacts.

Rural Area Participation
Due to the emergency nature of COVID-19, parties representing rural areas were not consulted in the initial draft. However, parties representing rural may submit comments during the notice and commenter period in the event the Department promulgates proposed regulations.

Job Impact Statement
The Department of Health has determined that these regulatory changes will not have a substantial adverse impact on jobs and employment, based upon its nature and purpose.

NOTICE OF ADOPTION

Nursing Home Case Mix Rationalization**I.D. No.** HLT-04-20-00011-A**Filing No.** 571**Filing Date:** 2021-05-17**Effective Date:** 2021-06-02

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

Action taken: Amendment of section 86-2.40(m) of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2808

Subject: Nursing Home Case Mix Rationalization.

Purpose: To authorize the Department of Health to change the case mix acuity process for all nursing homes.

Text of final rule: New subparagraphs (i) and (ii) are added to paragraph (6) of subdivision (m) of section 86-2.40 and paragraphs (7), (8), (9), and (10) of subdivision (m) of section 86-2.40 are amended to read as follows:

(6) Subsequent case mix adjustments to the direct component of the price for rate periods effective after January 1, 2012 shall be made in July and January of each calendar year and shall use Medicaid-only case mix data applicable to the previous case mix period.

(i) *For the case mix periods beginning on and after July 1, 2021, the case mix adjustment to the direct component of the price shall be made in January and July of each calendar year and shall use all Medicaid-only case mix data submitted to CMS applicable to the previous six-month period (e.g., April – September for the January case mix adjustment; October – March for the July case mix adjustment).*

(7) Case mix adjustments to the direct component of the price for facilities for which facility specific case mix data is unavailable or insufficient shall be equal to the [base year] previous case mix of the peer group applicable to such facility.

(8) The adjustments and related patient classifications for each facility shall be subject to audit review by the Office of the Medicaid Inspector General[,], and/or other agents as authorized by the Department.

(9) [The operator of a proprietary facility, an officer of a voluntary facility, or the public official responsible for the operation of a public facility shall submit to the Department a written certification, in a form as determined by the Department, attesting that all of the “minimum data set” (“MDS”) data reported by the facility for each census roster submitted to the Department is complete and accurate.]

For case mix periods beginning on and after July 1, 2021, the operator of a proprietary facility, an officer of a voluntary facility, or the public official responsible for the operation of a public facility shall submit to the Department a written certification, in a form as determined by the Department, attesting that all of the “minimum data set” (“MDS”) data reported by the facility and submitted to CMS is complete and accurate.

[(10) In the event the MDS data reported by a facility results in a percentage change in the facility’s case mix index of more than five percent, then the impact of the payment of the Medicaid rate adjustment attributable to such a change in the reported case mix may be limited to reflect no more than a five percent change in such reported data, pending a prepayment audit of such reported MDS data, provided, however, that nothing in this paragraph shall prevent or restrict post-payment audits of such data as otherwise provided for in this subdivision.]

Final rule as compared with last published rule: Nonsubstantial changes were made in section 86-2.40(m)(6) and (9).

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

Revised Regulatory Impact Statement**Statutory Authority:**

Section 2808 of the Public Health Law authorizes the Department to issue regulations relating to rates of reimbursement for nursing homes. The statutory authority for this regulation is contained in subdivision 2-b of section 2808 of the Public Health Law, which authorizes the Department to issue regulations concerning the operating component of rates of Medicaid reimbursement for nursing homes.

Legislative Objectives:

The objective of Public Health Law § 2808 is to enable the Department to set appropriate rates of reimbursement for nursing homes. To this end, the proposed regulations will amend section 86-2.40 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulation of the State of New York and codify the Department’s revised methodology for establishing nursing home Medicaid rate of payment for patient acuity.

Needs and Benefits:

Current regulations do not specify the amount of data that the Department should use when determining the case mix for nursing homes. The Department has been concerned that past methodologies have not yielded accurate case mix calculations and, for this reason, informed nursing homes that it would begin using larger data sets within the case mix period to determine case mixes, for purposes of calculating rates for periods beginning July 1, 2021. These regulations calculate the case mix adjustment by viewing acuity data for all relevant dates, rather than a single date, which can lead to inaccurate and distorted results.

Additionally, facilities will no longer be required to upload census data separately from the Minimum Data Set (“MDS”) data. The streamlining of the MDS process will reduce administrative burdens on the provider and increase accuracy in Medicaid rates of payment.

Finally, current regulations give the Department discretion to cap changes in a facility’s case mix index at 5%. The Department does not intend to exercise this discretion and, therefore, is repealing this provision.

Costs:

For those nursing homes where the Department ability to consider all acuity data in its possession results in a case mix that is more accurate, reimbursement rates will be increased or decreased accordingly. For those nursing homes that are already appropriately submitting data that represents the nursing home’s actual case mix, there will be no costs associated with these regulations.

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

There will be no additional costs to private regulated parties. The only data requested from providers are standard periodic reports which are already being completed by providers.

Costs to State and Local Governments:

There are no additional costs to the State or local governments as a result of this proposed regulation.

Costs to the Department of Health:

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

Local Government Mandates:

There will be no additional mandates as a result of this proposed regulation.

Paperwork:

There will be no additional paperwork as a result of this proposed regulation.

Duplication:

The proposed regulation does not duplicate any existing laws or regulations.

Alternatives:

The option of not issuing these regulations was considered. However, that alternative was rejected, as the Department should use broader samples of data to obtain the most accurate representation of the case mix in nursing homes.

Federal Standards:

The proposed regulation does not exceed any minimum standards of the federal government for the same or similar subject area.

Compliance Schedule:

There is no compliance element to the proposed regulations. The regulations will be effective upon publication of a 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 last published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

1. Comment: All three comments raise concerns that the case mix index calculations would be applied retroactively and change the methodology used to determine the case mix adjustment for periods prior to June 30, 2019. LeadingAge New York (“Leading Age”) also indicated concerns that the data being used would be from a period prior to the effective date.

Response: The Department has made a technical change to the regulation to clarify that the case mix calculations will be applied prospectively and will only affect rate periods beginning on July 1, 2021.

2. Comment: New York Provider Alliance (“NYPA”) and New York State Health Facilities Association (“NYSHFA”) commented that the policy within this regulation was adopted without direct consultation or recommendations of a Department-commissioned Workgroup to advise on case mix calculations, which they suggested would be counter to the statutory requirements.

Response: The Residential Health Care Facilities Case Mix Adjustment Workgroup's ("Workgroup") scope as established in Section 9, Part G of Chapter 57 of the Laws of 2019 was:

... The workgroup shall review recent case mix data and related analyses conducted by the department with respect to the department's implementation of the July 1, 2019 change in methodology, the department's minimum data set collection process, and case mix adjustments authorized under subparagraph (ii) of paragraph (b) of subdivision 2-b of section 2808 of the public health law. Such review shall seek to promote a higher degree of accuracy in the minimum data set data, and target abuses. The workgroup may offer recommendations on how to improve future practice regarding accuracy in the minimum data set collection process and how to reduce or eliminate abusive practices. In developing such recommendations, the workgroup shall ensure that the collection process and case mix adjustment recognizes the appropriate acuity for residential health care residents. The workgroup may provide recommendations regarding the proposed patient driven payment model and the administrative complexity in revising the minimum data set collection and rate promulgation processes. The commissioner shall not modify the method used to determine the case mix adjustment for periods prior to June 30, 2019. Notwithstanding any changes in federal law or regulation relating to nursing home acuity reimbursement, the workgroup shall report its recommendations no later than June 30, 2019.

Pursuant to its statutory authority, the Workgroup provided recommendations concerning the implementation of the change in case mix adjustments to Medicaid rates of payment of residential health care facilities that were expected to take effect July 1, 2019. The Department reviewed each of the Workgroup's recommendations and none of the suggested policies presented to or considered by the Department would provide a more accurate measure of patient acuity as compared to utilizing all patient assessments over the most recent six-month period available for rate setting. With respect to recommendation to use the RUG-IV patient classification system instead of the RUG-III system, the Department notes that the RUG-III system is required by Section 2809 (2-b)(b)(ii) of the Public Health Law. Accordingly, the Department has determined that no changes to the regulation are needed.

3. Comment: One comment from LeadingAge asserted that the proposed methodology is at odds with the statutory language requiring that the State provide the Workgroup with case mix data and analysis. Similarly, NYSHFA asserted that the State had based the change on unsubstantiated allegations of fraud around case mix data submission.

Response: The Department disagrees with the premise on which these comments were based. The Department shared relevant and available data and analyses with the Workgroup at meetings held in May 2019 and June 2019. The data that was shared can be found at this site: https://www.health.ny.gov/facilities/long_term_care/reimbursement/nhaw/. Nursing home-specific case mix data and related analysis are governed by a Data Use Agreement with the Centers for Medicare & Medicaid Services ("CMS"), and despite seeking approval from CMS to share this specific data, the Department did not receive a response from CMS as to whether such data can be shared by the Department with nursing homes or their associations. Instead, the Department offered that any one or more of the nursing homes could provide their own data to the Workgroup for discussion and analysis. No nursing home in the Workgroup was willing to share its data. In the absence of CMS approval to share nursing home data, and of any data offered by nursing homes to inform the Workgroup process, additional data beyond what was provided in May 2019 and June 2019 could not be shared. In any event, as the Department's computations used data submitted by the nursing homes to CMS, each home has access to its own data.

The Department also demonstrated--through the data that was shared--that, in aggregate, the Statewide average acuity scores ranged from a low of 1.02, in April 2018, to a high of 1.30, in July 2018. Additionally, the percentage of patients receiving higher acuity rehabilitation services, as reported by nursing homes, more than tripled, from 17 percent in April 2018, to 60 percent in July 2018. These swings demonstrate that the case mix values are higher during the dates used for rate setting purposes than those dates that are not used, so the move to include all days would more accurately capture the true acuity of those being served by including all measurements of their need. Accordingly, the Department has determined that no changes to the regulation are needed.

4. Comment: LeadingAge commented that the State failed to properly notify the public that this regulation was under consideration, and that the Regulatory Agenda published in the January 29, 2020 State Register did not include this item.

Response: The regulation was proposed consistent with all notice requirements. Although publication in the Regulatory Agenda is not a prerequisite for publishing a regulation, the Department endeavors to include all regulations in the Regulatory Agenda. See State Administrative Procedure Act section 202-d(2)(a). The Regulatory Agenda is also intended for

future intended publications. Accordingly, simultaneous publication in the Agenda would have been redundant. Finally, the Department's plans were clearly communicated to facilities through Budget actions and communications with the Workgroup.

5. Comment: One comment from LeadingAge asserted that the removal of the five percent constraint would add to the rate volatility and is contrary to State law.

Response: Section 86-2.40 of the regulations provides that, in the event that case mix data reported by the facility results in a percentage change of more than five percent of the facility's case mix index, the State "may" limit the impact to five percent. Although this has been prior practice, the withhold of funds until the completion of an audit has resulted in upwards of three years delay in providers and/or the State receiving funds owed to them. Eliminating this practice will reduce ongoing liabilities faced by both the State and providers and is consistent with statute, as it does not eliminate, nor reduce the ability of the Office of the Medicaid Inspector General ("OMIG") to audit case mix data. Accordingly, the Department has determined that no changes to the regulation are needed.

6. Comment: LeadingAge and NYPA both indicated concerns relating to lost revenue, which could also impact quality.

Response: Facilities are expected to meet their obligation to protect residents and maintain quality of care. The Department has carefully considered the appropriate methodology for determining reimbursement rates to facilities for providing such care. Accuracy of acuity data is the most critical component in the reimbursement of acuity. Without accurate acuity measurements, it is probable that reimbursement levels are also not appropriate. In the current methodology, acuity adjustments are calculated using only a single assessment submitted by the nursing home to CMS during the data collection period rather than all assessments submitted to CMS as required by federal rules. Statewide data presented during Budget negotiations, and to the Workgroup members at the first meeting of the Workgroup, demonstrated that the use of a single assessment to compute the acuity adjustment has not provided an accurate measure of acuity for rate adjustment purposes, because the assessments submitted by nursing homes in some cases vary widely, both in aggregate, on a facility-specific basis and at the resident-specific level. The inclusion of all assessments submitted by nursing homes will achieve a higher degree of accuracy in case mix reimbursement, and the reimbursement will be appropriate for the acuity levels. Accordingly, the Department has determined that no changes to the regulation are needed.

7. Comment: LeadingAge and NYPA expressed concerns related to additional data submissions and lack of validation of the data by providers.

Response: Current CMS requirements include a submission of case mix data for each individual being served every 92 days. This submission is a federal requirement. Using the full complement of submitted data, as opposed to data from a single point in time, can only provide a more thorough picture of an individual's acuity for reimbursement purposes. As this data is submitted by the provider already, it does not represent an additional burden to submit nor to validate, as it is validated by the provider prior to their submission to CMS. Accordingly, the Department has determined that no changes to the regulation are needed.

8. Comment: NYSHFA commented that the adoption of using all acuity measures had not been approved by CMS.

Response: CMS typically reviews and approves State Plan Amendments by the end of the quarter in which it becomes effective. The Department believes that CMS will approve the associated State Plan Amendment by the end of the third quarter. Accordingly, the Department has determined no changes to the regulation are needed.

NOTICE OF ADOPTION

Revise Requirements for Collection of Blood Components

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

Filing No. 590

Filing Date: 2021-05-21

Effective Date: 2021-06-02

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

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

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

Subject: Revise Requirements for Collection of Blood Components.

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

Text or summary was published in the September 23, 2020 issue of the Register, I.D. No. HLT-38-20-00008-P.

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

Revised rule making(s) were previously published in the State Register on February 24, 2021.

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

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 New York State Department of Health (“Department”) received public comments in response to the proposed rulemaking relating to the regulatory requirements of blood banks conducting serial plasmapheresis and collecting plasma and other blood components for transfusion. The comments and the Department’s response are summarized below.

COMMENT: Two commenters asked whether the “written” consent required under sections 58-2.14(c) and 58-2.15(c) of the proposed regulation allowed facilities to capture consent electronically.

RESPONSE: The proposed regulation provides flexibility in how facilities capture consent and allows consent to be captured electronically provided the facility is able to produce a hard copy for the donor or other purposes. No changes to the regulation are necessary as a result of these comments.

COMMENT: Commenters suggested that subsection 58-2.14(b) of the proposed regulation, requiring the director of a facility that collects source plasma to hold New York State Certificate of Qualification (CQ) in Blood Banking Collection – Comprehensive, is excessive and should be replaced by a requirement for a CQ in Blood Banking Collection - Limited.

RESPONSE: New York State Public Health Law § 572 requires all individuals acting as a director in a blood bank located in or collecting, processing, storing or distributing blood products in New York state, to hold a valid Certificate of Qualification. The requirement for a CQ in Blood Banking Collection – Comprehensive is appropriate and no changes to the regulation were made as a result of these comments.

COMMENT: One commenter suggested that the requirement in subsection 58-2.14(b) of the proposed regulation, that the facility director approve new and revised test procedures, should not apply to facilities that collect only source plasma.

RESPONSE: These tests represent an assessment of the health of the donor and therefore are subject to state and federal requirements related to clinical testing, including the requirement that the laboratory director approve new and revised test procedures. No changes to the regulation were made as a result of this comment.

COMMENT: Comments were received suggesting various revisions to the requirements in Subpart 58-1 of Title 10 of the NYCRR and questioning the applicability of these requirements to facilities collecting only source plasma.

RESPONSE: These comments are outside the scope of the proposed rulemaking. No changes were made as a result of these comments.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Reducing Biannual Testing of Adult Care Facility Staff

I.D. No. HLT-22-21-00003-P

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

Proposed Action: Amendment of sections 487.9, 488.9 and 490.9 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 461 and 461-1

Subject: Reducing Biannual Testing of Adult Care Facility Staff.

Purpose: To remove the requirement for biannual testing of adult care workers.

Text of proposed rule: Clause (a) of subparagraph (ii) of paragraph (8) of subdivision (a) of section 487.9 is amended to read as follows:

(a) [a ppd (Mantoux) skin test for tuberculosis] *an initial individual tuberculosis (TB) risk assessment, symptom evaluation, and TB test (either tuberculin skin test or blood assay approved by the Food and Drug Administration for the detection of latent tuberculosis infection)* [within 30 days] prior to employment and *subsequent annual assessments* [no less frequently than every two years] after employment begins; positive findings shall require appropriate clinical follow-up [but no repeat skin test]. *The medical staff shall develop and implement policies regarding positive findings, including procedures for facilitating and documenting treatment*

for latent TB infection where indicated. The annual TB assessments shall include education, individual risk assessment, and follow-up tests as indicated; and

Clause (a) of subparagraph (ii) of paragraph (5) of subdivision (a) of section 488.9 is amended to read as follows:

(a) [a ppd (Mantoux) skin test for tuberculosis] *an initial individual tuberculosis (TB) risk assessment, symptom evaluation, and TB test (either tuberculin skin test or blood assay approved by the Food and Drug Administration for the detection of latent tuberculosis infection)* [within 30 days] prior to employment and *subsequent annual assessments* [no less frequently than every two years] after employment begins; positive findings shall require appropriate clinical follow-up [but no repeat skin test]. *The medical staff shall develop and implement policies regarding positive findings, including procedures for facilitating and documenting treatment for latent TB infection where indicated. The annual TB assessments shall include education, individual risk assessment, and follow-up tests as indicated; and*

Clause (a) of subparagraph (ii) of paragraph (6) of subdivision (a) of section 490.9 is amended to read as follows:

(a) [a ppd (Mantoux) skin test for tuberculosis] *an initial individual tuberculosis (TB) risk assessment, symptom evaluation, and TB test (either tuberculin skin test or blood assay approved by the Food and Drug Administration for the detection of latent tuberculosis infection)* [within 30 days] prior to employment and subsequent annual assessments [no less frequently than every two years] after employment begins; positive findings shall require appropriate clinical follow-up [but no repeat skin tests]. *The medical staff shall develop and implement policies regarding positive findings, including procedures for facilitating and documenting treatment for latent TB infection where indicated. The annual TB assessments shall include education, individual risk assessment, and follow-up tests as indicated; and*

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

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

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

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

Regulatory Impact Statement

Statutory Authority:

Sections 461(1) and 461-1(5) of the Social Services Law (SSL) provide authority to promulgate these regulations. Section 461(1) provides the authority for the Department to promulgate regulations for adult care facilities, specifically adult homes, enriched housing, and residences for adults. Section 461-1(5) provides the authority for the Commissioner of Health to promulgate regulations for assisted living programs.

Legislative Objectives:

The legislative objective of SSL sections 461 and 461-1 is to promote the life, health, safety and comfort of adults residing in adult care facilities (see SSL section 460).

Needs and Benefits:

The proposed regulatory changes will advance the Legislature’s objectives to protect the health and well-being of adult care facility residents, insofar as the proposed rule change will update the requirements for personnel regarding testing and assessment for tuberculosis to ensure that those who care for adult care facility residents are evaluated and, where necessary, tested for tuberculosis based on current clinical standards. For the reasons explained below, providing tuberculosis education and individual risk assessment, followed up as needed with appropriate testing, clinical evaluation, and encouragement of optimal treatment, is expected to benefit health care personnel working in ACF settings, minimize risk of transmission from health care personnel to others, and refocus occupational health and infection control efforts.

Current requirements for annual tuberculosis screening in health care settings were established in the 1990s at the time of large outbreaks and sustained transmission of tuberculosis in New York State. The requirements were subsequently updated to allow use of U.S. Food and Drug Administration-approved blood tests as an alternative option to tuberculin skin tests, and to exempt certain personnel in non-clinical settings, but the serial testing requirement was not changed. Over the past two decades, with improved infection control, diagnostic testing and treatment of persons with tuberculosis (TB) disease, incidence has decreased. Evaluation of persons at risk for TB to detect and treat latent infection, including contacts to infectious TB, is also ongoing in all settings, including health care facilities.

Recent systematic reviews have documented that U.S. health care personnel have a low rate of TB infection on baseline testing and a very

low rate of tuberculin skin test conversions. Persons retested after apparent conversion in the absence of documented close contact to infectious tuberculosis were often negative on subsequent tests. The U.S. Centers for Disease Control and Prevention (CDC), with the National Tuberculosis Controllers Association and in coordination with occupational health and infection control associations, updated recommendations in 2019 which discourage routine serial TB testing, and instead focus on evaluating individual risk and encouraging treatment for persons with untreated latent TB infection.

Thus, the requirement to be tested for negative findings is no longer necessary and is being eliminated from these regulations.

Costs for the Implementation of and Continuing Compliance with these Regulations to the Regulated Entity:

Current regulations requiring serial testing of employees imposes a cost on covered entities. The proposed amendments will reduce this testing and result in a reduction in costs for regulated entities.

Cost to State and Local Government:

State agencies and local government units will see a reduction in costs associated with serial testing of employees.

Cost to the Department of Health:

The Department of Health will see a reduction in costs associated with serial testing of employees.

Local Government Mandates:

This amendment does not impose any new programs, services, duties or responsibilities on local government.

Paperwork:

These amendments will decrease the record keeping currently required of covered entities given that annual testing will no longer be required for all employees, only annual assessments.

Duplication:

These amendments will not conflict with any state or federal rules.

Alternatives:

The alternative would be to leave the requirements for regular serial testing in place. However, that alternative is not viable because it is contrary to recommended guidelines for TB testing.

Federal Requirements:

These amendments reflect current guidelines issued by the Centers for Disease Control and Prevention.

Compliance Schedule:

This proposal will go into effect 90 days following publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

These regulations would require all adult care facilities to revise policies for tuberculosis (TB) testing to ensure adequate baseline assessments and to replace serial testing with regular individual risk assessment and education, with further testing as indicated. Adult care facilities can consider using serial TB screening of certain groups who might be at increased occupational risk for TB exposure or in certain settings if transmission has occurred in the past. Policies would also require clear procedures for offering and documenting treatment of TB infection.

Compliance Requirements:

All DOH-regulated adult care entities must comply with the revised requirements, which includes developing policies for TB testing to ensure adequate baseline assessments, documenting treatment of TB infection, and replacing serial testing with annual individual risk assessment and education, with further testing as indicated. Facilities must also provide documentation to demonstrate compliance as part of ongoing occupational health records.

Professional Services:

There are no additional professional services required as a result of this regulation.

Compliance Costs:

The State will develop general guidance documents related to health care personnel screening and education, and facilities are expected to develop specific policies and procedures in accordance with the overall guidance. Facilities may have initial implementation costs related to development of assessment procedures, risk assessment forms, and education and databases, but this rule change will result in a permanent reduction of costs once implemented.

Economic and Technological Feasibility:

This proposal is economically and technically feasible, as it does not require any special technology and does not impose an unreasonable financial burden on health care institutions or local health departments.

Minimizing Adverse Impact:

This amendment does not create any adverse effect on regulated parties that would require a minimization analysis.

Small Business and Local Government Participation:

The Department will send a Dear Administrator Letter (DAL) to all adult care facility administrators, including those of adult care facilities

owned and operated by small businesses and local governments, which notifies these entities of the proposed regulatory amendments and the availability of submitting comments during the public comment period. The DAL specifically indicates that ACFs owned and operated by small businesses and local governments must comply with the regulatory changes.

Cure Period:

This regulation allows a cure period of 90 days, to allow facilities time to modify procedures in order to comply. Full implementation is expected to occur over a one year period as successive groups of persons are screened according to the revised protocols.

Rural Area Flexibility Analysis

Effect of Rule:

These regulations apply to DOH-regulated adult care facilities equally in all areas of the state, including rural areas. Adult care facilities can consider using serial tuberculosis (TB) screening of certain groups who might be at increased occupational risk for TB exposure or in certain settings if transmission has occurred in the past, and facilities must develop policies that set forth clear procedures for offering and documenting treatment of TB infection. Nevertheless, most rural areas in New York State have low rates of TB, and as this proposed rule will reduce the need for TB testing, the overall effect of the rule will be to reduce costs for regulated entities in rural areas.

Compliance Requirements:

All DOH-regulated adult care facilities must comply with the revised requirements, which includes developing policies for TB testing to ensure adequate baseline assessments, documenting treatment of TB infection, and replacing serial testing with annual individual risk assessment and education, with further testing as indicated. Facilities must also provide documentation to demonstrate compliance as part of ongoing occupational health records.

Professional Services:

There are no additional professional services required as a result of this regulation.

Compliance Costs:

The State will develop general guidance documents related to health care personnel TB screening and education, and facilities are expected to develop specific policies and procedures in accordance with such guidance. Facilities may have initial implementation costs related to development of assessment procedures, risk assessment forms, and education and databases, but this rule change will result in a permanent reduction of costs once implemented.

Economic and Technological Feasibility:

This proposal is economically and technically feasible, as it does not require any special technology and does not impose an unreasonable financial burden.

Minimizing Adverse Impact:

The Department will work with facilities, occupational health groups and local health departments to provide documentation, respond to questions, and share best practices.

Public and Local Government Participation:

All stakeholders, including health care provider organizations, individual facilities, local health departments and the public are invited to submit public comments in response to the filing of the proposed regulation.

Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). It is apparent, from the nature of the proposed amendment, that it will have no impact on jobs and employment opportunities.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Hospice Residence Rates

I.D. No. HLT-22-21-00004-P

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

Proposed Action: Amendment of section 86-6.2 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 4012(5)

Subject: Hospice Residence Rates.

Purpose: To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent.

Text of proposed rule: Subdivision (h) of 86-6.2 is amended to read as follows:

(h) Daily payment will be made to a hospice residence for Medicaid-

eligible patients who have elected hospice care and reside in a hospice residence. Payment shall be made for a hospice residence patient to take into account the room and board furnished by the hospice residence and will be in an amount equal to 94% of the weighted average Medicaid rate of the nursing facilities located in the region that the hospice residence is located in, as specified in Appendix 13-A, infra, of this Title. *The Department will calculate a 10% increase in the hospice residence reimbursement rate for each Wage Equalization Factor (WEF) region, as specified in Appendix 13-A of this Title, relative the rate in effect on March 31, 2018. For fiscal periods beginning April 1, 2018 and ending December 31, 2018, and for every calendar year thereafter, hospice residence reimbursement rates will be equal to 94% of the weighted average Medicaid rate of the nursing facilities located in the WEF region, plus the per diem value based upon the 10% increase calculated pursuant to this subdivision.*

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

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

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

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for this regulation is contained in Section 4012 of the Public Health Law (PHL), and Chapter 57 of The Laws of 2018, which authorizes the Commissioner to promulgate regulations with regard to Medicaid reimbursement rates for hospice facilities. Such rate regulations are set forth in Subpart 86-6.2 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulation of the State of New York.

Legislative Objectives:

The legislative objective of Section 4012 of the Public Health Law is to authorize the Department to establish methodologies for determining Medicaid rates of payment for hospice services.

Needs and Benefits:

This regulation effectuates a 10% increase in Medicaid rates for hospice services, calculated based on rates in effect March 31, 2018 and maintained at that level prospectively, pursuant to a statutory amendment to Section 4012 of the Public Health Law. Costs for Hospice programs have been increasing. This enhancement will support the growing costs associated with providing safe and cost-effective hospice programs.

Costs:

The gross impact to the hospice industry is an increase of approximately \$300,000 for the State Fiscal year ending March 31, 2019, which the Department expects to be maintained annually thereafter.

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties.

Costs to State Government:

A Medicaid rate of payment shall be established, with an increase of approximately \$150,000, state share anticipated as a result of this proposed regulation.

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 this proposed regulation.

Costs to the Department of Health:

There is no additional cost to the Department of Health as a result of this 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:

There is no required paperwork.

Duplication:

This is an amendment to an existing State regulation. The amendment does not duplicate existing State or federal requirements.

Alternatives:

No significant alternatives are available, as this regulation is needed to effectuate rate changes required by statute.

Federal Standards:

The proposed regulation does not exceed any minimum standards of the federal government for the same or similar subject area.

Compliance Schedule:

This regulation does not impose any new requirements on regulated parties; therefore, no compliance schedule is needed.

Regulatory Flexibility Analysis

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

ment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed regulation does not impose an adverse economic impact on facilities in rural areas, and it does not impose reporting, recordkeeping or other compliance requirement on facilities in rural areas.

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Stroke Services

I.D. No. HLT-22-21-00005-P

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

Proposed Action: Amendment of section 405.34(g) of Title 10 NYCRR.

Statutory authority: Public Health Law, section 2803

Subject: Stroke Services.

Purpose: Amend transition period for existing stroke centers to allow the Department to extend the three year transition period, if necessary.

Text of proposed rule: Subdivision (g) of section 405.34 is amended to read as follows:

(g) Transition Period.

(1) Hospitals designated as stroke centers by the Department prior to the effective date of this section shall have two years from the effective date of this section to initiate the stroke center certification process with a certifying organization approved by the Department. The process is initiated when a hospital enters into a contractual agreement with a certifying organization. Once the hospital has entered into a contractual agreement with a certifying organization, the hospital shall have one year to complete the certification process.

(2) Any hospital that does not initiate the stroke center certification process with a certifying organization within two years of the effective date of this section shall no longer maintain a stroke center designation and may no longer hold themselves out as a designated stroke center.

(3) *The Department may extend the transition period specified in paragraphs (1) and (2) of this subdivision as deemed necessary. The Department will notify all impacted hospitals of any decision to extend the transition period.*

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

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

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

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

Regulatory Impact Statement

Statutory Authority:

PHL Section 2803 authorizes the Public Health and Health Planning Council ("PHHPC") to adopt rules and regulations to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of health care facilities.

Legislative Objectives:

The legislative objectives of PHL Article 28 include the protection of the health of the residents of the State by promoting the efficient provision and proper utilization of high-quality health services at a reasonable cost.

Needs and Benefits:

Stroke, also known as brain attack, is a medical emergency. It occurs when a vessel in the brain is either ruptured (hemorrhagic stroke) or blocked by a clot (ischemic stroke), arresting the blood supply to the brain. Stroke is a deadly condition, and it is the fifth leading cause of death and a major cause of disability in the United States. Each year, about 795,000 people in the United States develop a stroke, producing an enormous economic and healthcare burden. It is estimated that there are almost three

million survivors of stroke living with a long-term disability in the United States, with a societal cost of approximately \$34 billion.

Since stroke treatment is complex and time sensitive, advanced, expedited hospital care is critical. Evidence has shown that a standardized approach to hospital care for patients with acute stroke improves outcomes by increasing survival and decreasing disability.

The stroke regulation in 10 NYCRR section 405.34 requires hospitals that received designation as a stroke center prior to the enactment of the regulation to enter into a contractual agreement with a certifying organization recognized by the Commissioner of Health within two years of the effective date of the regulation. Within a year after the hospital enters into a contractual agreement with the certifying organization, they must complete their certification as a stroke center and request designation as a stroke center from the Department. Thus, any hospital that does not complete the certification and designation process by March 19, 2022 would relinquish their designation as a stroke center.

Due to the COVID-19 pandemic all regular surveys and reviews scheduled by certifying organizations were temporarily suspended. Approximately 100 hospitals still need to comply with the regulation. It has become clear that the length of time the certification process can take from the time a contract between a certifying organization and a hospital is initiated to the time a hospital is surveyed and designated could force many hospitals to relinquish their stroke designations as a result of backlogs caused by the COVID-19 pandemic. This amendment will give the Department the ability to extend the transition timeline to allow hospitals to complete the stroke designation process outlined by this regulation while they maintain their stroke designation status and continue to be a destination for patients in their communities that need access to stroke services.

Costs:

Costs for the Implementation of and Continuing Compliance with these Regulations to the Regulated Entity:

Costs to the regulated entities related to this amendment are none. There is no impact on consumers or providers.

Costs to Local and State Government:

There is no anticipated fiscal impact to State or local government as a result of this amendment.

Costs to the Department of Health:

There will be no additional costs to the Department of Health associated with this amendment.

Local Government Mandates:

Hospitals operated by State or local government will be affected and be subject to the same requirements as any other hospital licensed under PHL Article 28.

Paperwork:

There is no additional paperwork associated with this change in wording.

Duplication:

These regulations do not duplicate any State or Federal rules.

Alternatives:

There are no viable alternatives. Stakeholders requested that this change be made to assure adequate time for hospitals to comply with the regulation timeline.

Federal Requirements:

Currently there are no federal requirements.

Compliance Schedule:

These regulations will take effect upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to Section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on facilities in rural areas, and it does not impose reporting, recordkeeping or other compliance requirements on facilities in rural areas.

Job Impact Statement

Pursuant to the State Administrative Procedure Act (SAPA) section 201-a(2)(a), a Job Impact Statement for this amendment is not required because it is apparent from the nature and purposes of the proposed rules that they will not have a substantial adverse impact on jobs and employment opportunities.

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

Managed Care Organizations (MCOs)

I.D. No. HLT-22-21-00009-P

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

Proposed Action: Amendment of section 98-1.11(e) of Title 10 NYCRR.

Statutory authority: Public Health Law, section 4403(2)

Subject: Managed Care Organizations (MCOs).

Purpose: To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs.

Text of proposed rule: Subparagraph (ii) of paragraph (1) of subdivision (e) of section 98-1.11 is amended to read as follows:

(ii) Notwithstanding the provisions of subparagraph (i) above, the contingent reserve applicable to net premium income generated from the Medicaid managed care, Health and Recovery Plans (HARPs) and HIV SNP programs shall be:

- (a) 7.25 percent of net premium income for 2011;
- (b) 7.25 percent of net premium income for 2012;
- (c) 7.25 percent of net premium income for 2013;
- (d) 7.25 percent of net premium income for 2014;
- (e) 7.25 percent of net premium income for 2015;
- (f) 7.25 percent of net premium income for 2016;
- (g) 7.25 percent of net premium income for 2017;
- (h) 7.25 percent of net premium income for 2018;
- (i) 7.25 percent of net premium income for 2019;
- (j) 7.25 percent of net premium income for 2020;
- (k) [8.25] 7.25 percent of net premium income for 2021;
- (l) [9.25] 7.25 percent of net premium income for 2022;
- (m) [10.25] 8.25 percent of net premium income for 2023.
- (n) [11.25] 9.25 percent of net premium income for 2024.
- (o) [12.5] 10.25 percent of net premium income for 2025.
- (p) [12.5] 11.25 percent of net premium income for [calendar years after 2025] 2026.
- (q) 12.5 percent of net premium income for 2027.
- (r) 12.5 percent of net premium income for calendar years after 2027.

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

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

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

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

Regulatory Impact Statement

Statutory Authority:

Public Health Law section 4403(2) states the Commissioner may adopt and amend rules and regulations pursuant to the state administrative procedures act to effectuate the purposes and provisions of Article 44, which governs the certification and operational requirements of Managed Care Organizations (MCOs).

Legislative Objectives:

10 NYCRR 98 was extensively amended in 2005, and has been amended consistently thereafter, to implement the Medicaid Redesign Team (MRT) initiatives consistent with Article 44 of the Public Health Law. These amendments included the temporary reduction of the contingent reserve requirements applied to premium revenues from the Medicaid Managed Care (MMC) and HIV Special Needs Plan (SNP) programs due to inclusion of various new benefits and populations into Medicaid Managed Care, the addition of the Health and Recovery Plans (HARPs) and the 2% reduction in premium (pursuant to the MRT initiative #6). These changes necessitated maintaining the reserves at the current level as the premium rates were not adequate to allow for a planned increase in the contingent reserve requirements. This proposed amendment will allow the contingent reserve for the Medicaid, HARP and HIV SNP lines of business to remain at 7.25% for an additional two years (2021 and 2022) to reflect additional reductions in premium.

Needs and Benefits:

The approved SFY 2011-2012 and SFY 2012-2013 NYS Budgets incorporated a proposal from the MRT that reduced the premium rates of MMC and HIV SNP managed care plans by 2%. This was accomplished by lowering the rate component for surplus/reserves from 3% to 1% effective April 1, 2011.

The independent actuarial firm engaged by the Department of Health (DOH) must certify the actuarial soundness of the premium rates to Centers for Medicare and Medicaid Services (CMS). The prior reduction of the rate component for surplus/reserves by 2% would have resulted in rates that were not actuarially sound, as such rates would have been insufficient to support the contingent reserve requirement specified in § 98-1.11(e)(1). As a result, the contingent reserve requirement for Medicaid product lines was reduced from 10.5% to 7.25% of premium revenue. This change was implemented in regulations promulgated on an emergency basis effective July 7, 2011 and adopted permanently on February 15, 2012.

Effective for dates of service on or after January 1, 2020, in accordance with the authority in Chapter 53 of the Laws of 2019, enacted by the SFY 2019-20 NYS Budget, premium rates were reduced by 1.0% as part of a uniform reduction of Medicaid payments.

The new proposed revision to 98-1.11(e) maintains the 7.25% contingent reserve requirement through calendar year 2022. This revision will permit DOH to maintain the reductions in the premium rates and allow the State's independent actuary to certify the actuarial soundness of the premium rates to CMS, in light of the recent premium rate reductions.

Costs:

The amended regulation imposes no compliance costs on state or local governments. There will be no additional costs incurred by DOH or by the MCOs.

Local Government Mandates:

The regulation imposes no new programs, services, duties or responsibilities on any county, city, town, village, school district, fire district or other special district.

Paperwork:

Paperwork associated with filings to DOH or Department of Financial Services should be minimal and would be no more substantial than the current regulation requires.

Duplication:

These regulations do not duplicate, overlap, or conflict with existing State and federal regulations.

Alternatives:

Revisions to § 98-1.11(e) are needed to ensure the actuarial soundness of Medicaid Managed Care premium rates. The alternative would be to not implement these regulations; however, this alternative was rejected because Medicaid premium rates are set by the State actuary and with a built-in profit of 1% which is not sufficient to accommodate reserve increases without jeopardizing the soundness of the rates.

Federal Standards:

The rule does not exceed any minimum standards of the Federal government for the same or similar subject area.

Compliance Schedule:

Managed care organizations should be able to comply with the proposed regulations upon publication of the Notice of Adoption.

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

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

Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances

I.D. No. HLT-22-21-00010-P

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

Proposed Action: Amendment of Part 71 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 206(1)(r); General Business Law, section 322-c(a)

Subject: Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances.

Purpose: To adjust the current labeling requirements for unvented gas space heating appliances.

Text of proposed rule: Pursuant to the authority vested in the Commissioner of Health by section 206(1)(r) of the Public Health Law and section 322-c(a) of the General Business Law, subdivisions (a) and (c) of section 71.3 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) are amended and section 71.4 is repealed, to be effective one year after publication of a Notice of Adoption in the New York State Register, to read as follows:

(a) Manufacturers of vent-free gas space heating appliances shall produce shipping carton labels for vent-free gas space heating appliances that prominently and clearly display, in bold type no smaller than 14 point, the following language:

[Caution: This appliance is a supplemental heat source and should not be the primary heat source. The appliance must be installed and serviced according to the manufacturer's instructions and local and state building codes. Select a model with appropriate heat output using sizing guidelines provided by the manufacturer. Using a heater with greater heat output than recommended may be harmful to your health. As with other fuel burning appliances, local building codes may require installation of a carbon monoxide detector in your home.]

WARNING: This appliance produces CARBON MONOXIDE, a poisonous gas. You MUST use carbon monoxide alarms to avoid injury or death.

CAUTION: Using the wrong size heater can be dangerous to your health. Select and use the correct size heater following the manufacturer's guidelines.

CAUTION: This appliance cannot be used as the only source of heat in a home. Contact your local building department for more information about any restrictions that may apply.

(c) Sizing guidelines prepared by manufacturers of vent-free gas space heating appliances shall be provided at the point-of-sale by sellers of vent-free gas space heating appliances. The sizing guidelines shall be [easy to understand, concise and include sample calculations illustrating the method used to select a properly-sized vent-free gas space heating appliance.] consistent with the requirements of New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time. The sizing guidelines shall be easy to understand and concise and shall illustrate the method used to select a properly-sized vent-free gas space heating appliance.

Section 71.4, relating to the effective date of this Part, is repealed.

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

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

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

Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) § 206(1)(r) and General Business Law (GBL) § 322-c(a)(ii) authorize the Commissioner of Health (Commissioner), with the approval of the State Fire Prevention and Building Code Council, to adopt regulations governing the assembly, sale, installation and use of vent-free gas space heating appliances.

Legislative Objectives:

The legislative objectives of PHL § 206(1)(r) and GBL § 322-c(a)(ii) are to protect public health, safety and welfare by authorizing the Commissioner to specify requirements for vent-free gas space heating appliances offered for sale, sold, installed or used in New York State.

Needs and Benefits:

The proposed regulatory amendment is necessary to align existing regulations with the requirements for unvented room heaters in the State Uniform Fire Prevention and Building Code Title 19 Parts 1219 through 1228 (Uniform Code).

Currently, manufacturers of vent-free gas space heating appliances must include labels on their shipping cartons that will help consumers to use vent-free heaters safely; sellers of vent-free gas space heating appliances must ensure that this label is on the outside of each shipping carton and is prominently and clearly displayed.

These shipping labels are required because the combustion products of vent-free heaters are discharged directly into the room in which the heater is installed. The emissions of combustion products increase with the size of the input rating of the appliance such that larger appliances produce more combustion products than smaller appliances. The indoor air

concentrations of combustion products from an appliance are greater in a small room than they are in larger rooms for the same run time. Vent-free gas heater emissions include, among others, carbon monoxide, nitrogen dioxide and water vapor. Carbon monoxide exposure causes cardiovascular, respiratory and central nervous effects and in high concentrations will cause death. Nitrogen dioxide exposure increases respiratory illness in children and changes airway responsiveness and pulmonary function in individuals with pre-existing conditions such as asthma and emphysema. Water vapor emissions from vent-free heaters increase the humidity levels in homes which can promote the growth of mold, mildew, dust mites and cockroaches, all of which may trigger allergic reactions in sensitive individuals.

The New York State Uniform Fire Prevention and Building Code (19 NYCRR Parts 1220 and 1225) requires residential and commercial buildings to have carbon monoxide alarms when any appliance that may emit carbon monoxide is present. Unvented gas heaters must also be tested in accordance with national standards, and must be installed in accordance with the conditions of the listing and the manufacturer's instructions. In addition, vent free gas space heating appliances may not be the sole source of heating in a residence and restrictions are placed on the size of such appliance. Local codes and regulations may be more restrictive.

The proposed amendments adjust the current labeling requirements for unvented gas space heating appliances to more closely reflect these building code requirements. Specifically, the new label will inform consumers that the heaters should not be used as a primary heat source, that the heaters should be installed according to the manufacturer's instructions and appropriate codes and that the heaters must be properly sized. The label will also direct consumers to their local building department for more information about any restrictions that may apply, and will specify that consumers must use carbon monoxide detectors in conjunction with such heaters.

Costs:

Costs to Regulated Parties:

Regulated parties are already required to provide caution labels for shipping carton for vent free gas space heating appliances, and as such are not anticipated to incur additional costs associated with this proposed amendment.

Costs to Local and State Governments:

The proposed amendments will incur no costs to local and state governments.

Local Government Mandates:

The proposed amendments impose no program, service, duty or other responsibility upon any city, town, village, school district, fire district, or other special district.

Paperwork:

The proposed amendments require no paperwork from the regulated parties.

Duplication:

There is no duplication of the proposed amendments in existing State laws.

Alternatives:

One alternative is to take no action and continue with the existing label requirements. The Department believes the amendments are necessary to protect public health by making consumers aware of the code requirements for vent-free gas space heating appliances and carbon monoxide detection systems.

Federal Standards:

There are no federal regulations governing the use of vent-free gas space heating appliances in occupied buildings.

Compliance Schedule:

The amendments will become effective one year after publication of the Notice of Adoption in the State Register, to permit regulated entities sufficient time to comply.

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, recordkeeping 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 amendments.

Job Impact Statement

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments

that they will not have a substantial adverse impact on jobs and/or employment opportunities.

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

Cannabinoid Hemp

I.D. No. HLT-45-20-00002-RP

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

Proposed Action: Addition of Part 1005 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 3398-a

Subject: Cannabinoid Hemp.

Purpose: To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers.

Substance of revised rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): These amendments add a new Part 1005 to Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, regulating the processing and retail sale of cannabinoid hemp in New York State.

Section 1005.1 defines terms used in Part 1005, including but not limited to "cannabinoid hemp product," "cannabinoid hemp processor," "cannabinoid hemp retailer," "hemp extract," and "used for human consumption."

Section 1005.2 establishes licensure and application requirements for cannabinoid hemp processors in New York State. Any person extracting or manufacturing cannabinoid hemp in New York State is required to obtain a license from the New York State Department of Health (Department). Among other requirements, cannabinoid hemp processor applications must be accompanied by a summary and description of the products the applicant intends to make, proof of product liability insurance, evidence of good manufacturing practices, and copies of the organizational documents of the applicant. Cannabinoid hemp processor applications must be submitted with a \$1,000 application fee or a \$500 application fee for applicants seeking only to manufacture, and not extract, cannabinoid hemp.

Section 1005.3 sets out the requirements to apply as a cannabinoid hemp retailer in New York State. Any person selling cannabinoid hemp to consumers must obtain a license from the Department. Among other requirements, cannabinoid hemp retail applications must be accompanied by a summary and description of the type of cannabinoid hemp products the retailer intends to sell, the name and country of origin of any manufacturer or distributor the retailer intends to source from, an attestation that the applicant will not sell inhalable cannabinoid hemp products to consumers under 21 years old, and if applicable, proof of a certificate of authority from the Department of Taxation and Finance. All applications must be submitted with a \$300 license fee for each retail location to be licensed by the Department.

Section 1005.4 describes the criteria the Department will use to determine if an applicant's license should be approved or denied. If an applicant is approved as a cannabinoid hemp processor, the approved applicant must submit the following before receiving the final license: a copy of the certificate of occupancy for the facility, a copy of the applicant's evidence of a Good Manufacturing Practices (GMP) audit, proof of product liability insurance and the license fee of \$3,500 for extracting or \$1,000 for manufacturing only. The license fees for cannabinoid hemp retailers is \$300 per location selling cannabinoid hemp products. Processor licenses are valid for two years and retailer licenses are valid for one year.

Section 1005.5 outlines the requirements for license renewal.

Section 1005.6 sets out the rules around transfers and amendments to licenses, including changes in ownership. All licenses under this Part are non-transferable, except with the prior written approval of the Department.

Section 1005.7 outlines the requirements for cannabinoid hemp processors. Cannabinoid hemp processors are required to maintain qualified third-party GMP certification for the duration of the license term. Processors must retain records of the extraction and manufacturing process including but not limited to the source of hemp or hemp extract, the calibration and inspection of all equipment or instruments, the disposal of hemp extract or hemp by-product, the tracking and documentation of Δ^9 -Tetrahydrocannabinol (THC), and all testing records of samples from lots or batches of product. This section also imposes security and sanitary standards on the licensee to keep unauthorized individuals from entering the licensed premise and to ensure the facility is safe and sanitary to create products for human consumption. Intermediate sales of hemp extract containing up to 3.0% THC are authorized, provided that the sale is be-

tween licensed processors in New York State and the proper documents accompany the extract during transport. All solvents and methods used to process hemp extract must be approved by the Department.

Section 1005.8 outlines the cannabinoid hemp product requirements to be sold at retail. Product requirements include but are not limited to: not containing more than 0.3% total Δ^9 -Tetrahydrocannabinol concentration; not containing tobacco or alcohol; not being in the form of an injectable, inhaler, or flower product labeled or advertised for the purpose of smoking, or in the form of a cigarette, cigar or pre-roll, or packaged or combined with other items designed to facilitate smoking; if sold as a food or beverage product, not have more than 25 mg of cannabinoids per product; and, if sold as an inhalable cannabinoid hemp product, a number of additional safety measures.

Section 1005.9 is added to outline the requirements of cannabinoid hemp packaging and labeling. All cannabinoid hemp products need to be labeled with the total milligram content of cannabidiol (CBD), THC, and marketed cannabinoids in the product, and include the milligrams per serving for each. All products are required to have a scannable barcode or QR code which links to a certificate of analysis and the packaging is prohibited from being attractive to consumers under 18 years old. Products are also required to list appropriate warnings for consumer awareness.

Section 1005.10 establishes laboratory testing requirements for cannabinoid hemp products. Cannabinoid hemp processors must have cannabinoid hemp products tested at a laboratory approved to test medical marijuana or that meets minimum requirements established in this section, including maintaining ISO/IEC 17025 accreditation and validating the methods used for testing. This section describes which analytes are part of required testing and further establishes limits for cannabinoids, heavy metals, microbial impurities, mycotoxins, residual pesticides, residual solvents and processing chemicals. Cannabinoid hemp products that contain levels of analytes that deviate from the allowable limits are considered adulterated and must be destroyed.

Section 1005.11 outlines requirements for cannabinoid hemp retailers. Cannabinoid hemp retailers can only sell products that are manufactured, packaged, labeled and tested according to the standards outlined in regulations and can only sell inhalable cannabinoid hemp products to consumers over 21 years old. All licensees must post their license in a conspicuous manner and maintain sufficient inventory and sales records. The Department also has the authority to inspect cannabinoid hemp retailers and take samples of cannabinoid hemp products to ensure compliance with this Part.

Section 1005.12 establishes advertising requirements for cannabinoid hemp processors and retailers, including the prohibition on false or misleading statements and medical claims.

Section 1005.13 establishes standards and requirements to certify a product as a New York Hemp Product.

Section 1005.14 outlines general prohibitions, including the requirement that all entities manufacturing or selling cannabinoid hemp products in New York State must hold a valid license under this Part. All cannabinoid hemp products must comply with manufacturing, laboratory testing, and packaging and labeling requirements outlined in the proposed regulations. All cannabinoid hemp products offered for retail sale in New York State must have a concentration of no more than 0.3% total Δ^9 -Tetrahydrocannabinol. Requirements are also established for the transportation of hemp extract, including the requirement that it be transported in a fully enclosed vehicle or container and accompanied by proof of origin and a certificate of analysis. Finally, this section requires that anyone distributing cannabinoid hemp products manufactured out of state, to cannabinoid hemp retailers within the state, be permitted by the Department.

Section 1005.15 describes specific prohibitions that pertain to cannabinoid hemp processors including the transfer of a license without approval from the Department and the manufacture of a potentially hazardous food containing cannabinoid hemp. Further, no cannabinoid hemp processor may conduct final product testing for the licensee's own products to satisfy the testing requirements established in the proposed regulations. Cannabinoid hemp processors may not sell cannabinoid hemp products directly to consumers for final sale without obtaining a cannabinoid hemp retail license and cannabinoid hemp processors may not sell cannabinoid hemp extract to anyone in New York unless the purchaser is a cannabinoid hemp processor or a registered organization in the Department's Medical Marijuana Program.

Section 1005.16 describes specific prohibitions for cannabinoid hemp retailers, including age restrictions for the sale of inhalable cannabinoid hemp products and a prohibition on the sale of cannabinoid hemp products that do not meet product requirements or consumer safety standards outlined in this Part.

Section 1005.17 establishes penalties for non-compliance with the requirements of Article 33-B of the Public Health Law and this Part. Penalties include fines that increase with the number of violations, such that the first violation incurs a fine of up to \$1,000, the second violation within a

three year period incurs a fine of up to \$5,000, and the third violation or any additional violation incurs a fine of up to \$10,000. This section further allows the Department to limit, suspend, revoke or annul a license. If a licensee violates the proposed regulations three times in a five-year period, the licensee may be deemed ineligible to manufacture or sell cannabinoid hemp products for a period of five years.

Section 1005.18 provides the Department authority to issue permits for distribution of out of state cannabinoid hemp products, temporary retail sale and to persons holding a CBD processor research partnership agreement with the New York State Department of Agriculture and Markets. Permits are valid for one year unless otherwise established by the Department.

Section 1005.19 adds a severability clause for the Part.

Section 1005.20 incorporates by reference certain federal regulations.

Section 1005.21 establishes the effective dates for this Part.

Revised rule compared with proposed rule: Substantial revisions were made in sections 1005.1, 1005.2, 1005.3, 1005.4, 1005.5-8, 1005.9-14, 1005.16, 1005.18 and 1005.21.

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

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

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

Revised Regulatory Impact Statement

Statutory Authority:

The Commissioner of Health is authorized pursuant to Section 3398-a of the Public Health Law (PHL), to promulgate rules and regulations necessary to effectuate the provisions of Article 33-B of the PHL.

Legislative Objectives:

The legislative objective of Article 33-B of the PHL is to comprehensively regulate the processing and sale of cannabinoid hemp products in New York State. The regulation of cannabinoid hemp products will promote this objective and public health by instituting consumer protections ensuring products are manufactured, tested and labeled to comparative standards of similar products in the dietary supplement, food and cannabis industries. Further, the regulations will spur economic development of the New York States domestic hemp industry by providing clear rules and expectations of how and what type of cannabinoid hemp products can be sold.

Needs and Benefits:

The Federal Farm Bill of 2018 created a legal pathway for hemp cultivation by removing hemp, a subset of the Cannabis Sativa L. plant species, with less than 0.3% Δ^9 -Tetrahydrocannabinol from the Controlled Substance Act. Farmers from across the country began growing hemp, an extremely versatile crop that has a reported 25,000 different uses including in textiles, automotive parts, furniture, fuel, food and beverages, paper, construction materials and personal care items.

Over the past several years, the expansion of hemp cultivation has primarily been driven by a chemical component found in the hemp plant called cannabidiol or "CBD." CBD is one of many cannabinoids found in hemp and has become increasingly popular.

Although there has been a rapid increase in the use of cannabinoid hemp products, the Federal government has not implemented a regulatory system to effectively control the quality of products on the market. In this absence, unscrupulous actors have entered the market and sold cannabinoid hemp products that do not meet the quality control standards common in the established supplement, food and cannabis industries. Reports of cannabinoid hemp products that do not contain any cannabinoids at all or are contaminated with harmful toxins and pesticides are common.

The proposed regulations are intended to organize and legitimize the cannabinoid market in New York State by creating a license framework for cannabinoid hemp processors and retailers and by establishing quality control standards that all cannabinoid hemp products must meet or exceed. To accomplish this, the regulations propose the following:

1. License and hold cannabinoid hemp processors to federally-established standards of good manufacturing practices (GMP) at the dietary supplement or food standard depending on the finished product.
2. Require packaging and labeling standards that accurately inform the consumer of the quantity of cannabinoids in the product, include a link or QR code to the third-party tests results, and provide appropriate warnings of the potential risks associated with their consumption.
3. Impose laboratory testing requirements on all lots of cannabinoid hemp products, testing for cannabinoid profile, heavy metals, microbials, mycotoxins, pesticides and residual solvents.
4. License and hold retailers accountable to only sell approved forms of cannabinoid hemp products purchased from sources that manufacture to

the standards of the program and restrict sales of inhalable cannabinoid hemp products to minors.

5. Authorize the Department to oversee and enforce against cannabinoid hemp products in the marketplace not meeting New York's standards and to take appropriate action to protect public health and impose consumer protections.

Costs:

Costs to the Regulated Entity:

The proposed regulations impose costs on licensees. Cannabinoid hemp processors will be required to pay an application fee of \$1,000 or \$500 and a license fee of either \$3,500 or \$1,000, depending on whether the licensee is authorized to extract hemp extract in addition to manufacturing cannabinoid hemp products. In addition, cannabinoid hemp processor licensees will be required to manufacture cannabinoid hemp products for human consumption to dietary supplement or food standards complying with good manufacturing processes and maintaining third-party audit documenting this standard. All cannabinoid hemp products are required to be tested by a third-party accredited laboratory and products must be packaged and labeled in a manner that is consistent with public health best practices. Finally, cannabinoid hemp retailers will be required to pay a \$300 license fee for each location where cannabinoid hemp products are sold.

Costs to Local Government:

The proposed regulations do not require local governments to perform any additional tasks; therefore, it is not anticipated to have an adverse fiscal impact.

Costs to the Department of Health:

The proposed regulations will incur costs to the Department to develop a licensing system to review and approve applications from potential licensees, maintain the administrative and customer service aspects of the program, and inspect and enforce licensees to maintain the quality assurance standards of the program.

Local Government Mandates:

These proposed regulations do not impose any new programs, services, duties or responsibilities on local government.

Paperwork:

The proposed regulations will impose new requirements to track and maintain licensing and pertinent records of the regulated activities established in the proposed regulations. Licensees will need to retain all required records for a minimum of five years.

Duplication:

No relevant rules or legal requirements of the Federal and State governments duplicate, overlap or conflict with these proposed regulations.

Alternatives:

The Department is statutorily obligated to promulgate regulations pursuant to Section 3398-a of the Public Health Law. The Department considered not regulating inhalable products differently, including not setting separate age limits. However, the Department ultimately decided to establish additional restrictions on inhalable products to deter smoking and youth-use. In addition, the Department could have adopted the regulations as initially proposed; however, in response to public comments the Department has revised the regulations to address a number of concerns raised by stakeholders. These changes include but are not limited to amending what is required to be included on cannabinoid hemp product packaging and labeling, amending the testing limits for a number of different analytes and lowering the license fees for processors to make the license fee more attainable for small businesses. Additionally, to address changes in the recently enacted Marijuana Regulation & Taxation Act, the regulations were modified to permit the sale of cannabinoid hemp flower products, provided such products are not marketed or advertised for smoking.

Federal Standards:

The 2018 Farm Bill directed the United States Department of Agriculture (USDA) to establish a national regulatory framework for hemp cultivation in the United States. The Food and Drug Administration (FDA) has authority to regulate cannabinoids. USDA established the U.S. Domestic Hemp Production Program through an interim final rule; however, the FDA is just beginning the rulemaking process and therefore, there are currently no federal standards for cannabinoid hemp processors or cannabinoid hemp retailers.

Compliance Schedule:

The regulations shall be effective upon publication of the Notice of Adoption in the State Register. However, section 1005.9 governing packaging and labeling of cannabinoid hemp products and section 1005.10 governing laboratory testing requirements, shall not become effective until November 1, 2021. This will afford regulated entities additional time to come into compliance with the regulatory requirements.

Revised Regulatory Flexibility Analysis

Effect of Rule:

The proposed regulations require cannabinoid hemp processors to

manufacture products to good manufacturing practices (GMP) found in the dietary supplement or food industries, test products at accredited third-party laboratories, and package and label products to promote consumer awareness and protect the integrity of the product. Many of these same standards were already imposed by the Department of Agriculture and Markets Industrial Hemp Research Pilot Program which, prior to Chapter 1 of the Laws of 2020, oversaw cannabinoid processors in New York State. Due to the confusion of the regulatory status of cannabinoid hemp products at the federal level, products have been left in an unregulated status. These regulations are intended to bring cannabinoid hemp products on par with other standards already developed in similar industries and is not meant to disadvantage small businesses. Many operators in the hemp industry are looking for regulations to legitimize and standardize the neophyte industry.

The requirements placed on cannabinoid hemp retailers are less demanding and include licensure, record keeping, age verification and restrictions on the forms of cannabinoid hemp products which may be sold.

Large and small businesses that are creating or selling products that do not meet basic consumer protections and refuse to come into compliance will be penalized and have their products removed from the market.

Compliance Requirements:

Small businesses that apply as a cannabinoid hemp processor must meet third-party GMP certification within six months of approval of the application to obtain licensure, must test products at an accredited third-party lab and package, and must label products in conformance with the requirements of the regulations. A small business that chooses to apply as a cannabinoid hemp retailer must comply with the proposed regulations including licensure, record keeping, age verification and restrictions on the forms of cannabinoid hemp products which may be offered for retail sale.

Professional Services:

The proposed regulations create a need for cannabinoid hemp processors to seek a third-party audit to certify their manufacturing process to good manufacturing practices (GMP) in accordance with Parts 101, 111 or 117 of Title 21 Code of Federal Regulations, depending on the final product.

Compliance Costs:

The proposed regulations will impose a cost to cannabinoid hemp processor licensee's seeking third-party GMP certification. Certification is based on the size of the facility and complexity of the manufacturing process. Several businesses will have to change operations to meet the higher standard to protect public health and consumer safety. Application and license fees in the amount of \$1,000 and \$3,500 respectively will be required for cannabinoid hemp processors, while a \$500 application fee and \$1,000 licensee fee will be required for those only manufacturing cannabinoid hemp. Retailers must pay a \$300 license fee per location.

Cost to State and Local Governments:

There are no direct costs to Local Governments associated with the proposed regulations as the State will be incurring the costs of regulatory oversight and inspection of licensees.

Economic and Technological Feasibility:

This proposed regulation is economically and technically feasible, as these regulations mirror similar requirements that already exist in the dietary supplement, food and cannabis industries.

Minimizing Adverse Economic Impact:

The impact of this regulation is expected to be minimal for existing CBD processors operating in compliance under Agriculture and Markets Industrial Hemp Research Pilot Program which already imposed many of the same standards as the proposed regulations. The Department understands the current ambiguity in the cannabinoid hemp market nationally and is willing to work with entities to reach compliance.

Small Business and Local Government Participation:

The proposed regulations include recommendations from the hemp industry including the New York Cannabis Grower and Processor Association (NYCGPA), the Hemp Round Table and the New York State Farm Bureau. The Department will proactively contact existing research partners from the current pilot program to provide information on where they may locate the proposed regulations, how to provide public comments and work with them to transition over into the new program.

Revised Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<https://www.census.gov/quickfacts/>).

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

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

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

Compliance Requirements:

Cannabinoid hemp processors and cannabinoid hemp retailers that are located in rural areas will be required to apply to the Department for licensure. Once licensed, cannabinoid hemp processors in rural areas will be required to extract hemp extract and/or manufacture cannabinoid hemp products using Good Manufacturing Practices (GMP) and to the standards set forth in these regulations, including requirements on packaging and labeling, product testing, and advertising. Cannabinoid hemp retailers in rural areas will be required to only sell cannabinoid hemp products meeting all of the standards set forth in these regulations, including restrictions on certain forms of administration and only sell inhalable cannabinoid hemp products to individuals 21 year of age or older.

Professional Services:

Cannabinoid hemp processors and cannabinoid hemp retailers in rural areas are expected to use existing staff to comply with the requirements of this regulation. Additionally, cannabinoid hemp processors are required to obtain a qualified third-party Good Manufacturing Practices (GMP) audit and will need to utilize independent third-party laboratories.

Compliance Costs:

The proposed regulations impose costs on rural area licensees. Cannabinoid hemp processors in rural areas will be required to pay an application fee of \$1,000 or \$500 and a license fee of either \$3,500 or \$1,000, depending on whether the licensee is authorized to extract hemp extract in addition to manufacturing cannabinoid hemp products. In addition, rural area cannabinoid hemp processors will be required to manufacture cannabinoid hemp products for human consumption to dietary supplement or food standards complying with good manufacturing processes and maintaining third-party audit documenting this standard. All cannabinoid hemp products are required to be tested by a third-party accredited laboratory and products must be packaged and labeled in a manner that is consistent with public health best practices. Finally, cannabinoid hemp retailers in rural areas will be required to pay a \$300 license fee for each location where cannabinoid hemp products are sold.

Minimizing Adverse Impact:

The Department is statutorily obligated to promulgate regulations pursuant to Section 3398-a of the Public Health Law so no alternatives to the proposed regulations were considered. The impact of this regulation is expected to be minimal for existing CBD processors operating in compliance under Agriculture and Markets Industrial Hemp Research Pilot Program which already imposed many of the same standards as the proposed regulations.

Rural Area Participation:

The proposed regulations include recommendations from the hemp industry including the New York Cannabis Grower and Processor Association (NYCGPA) which represents hemp growers and processors throughout the State, including rural areas.

Revised Job Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published JIS.

Assessment of Public Comment

The New York State Department of Health (the “Department”) received comments from hundreds of stakeholders in response to the proposed regulation adding a new Part 1005 to Title 10 of the Code, Rules and Regulations of the State of New York relating to cannabinoid hemp. Public comments were received from industry stakeholders, including cannabinoid hemp growers, processors, retailers and laboratories, as well as from the general public, cannabinoid hemp consumers, elected officials, and industry associations. The comments covered almost every aspect of the proposed regulation, including the manufacturing, packaging and labeling, and laboratory testing requirements, as well as the application process, allowable forms of cannabinoid hemp products and the transportation of cannabinoid hemp within New York State.

The largest number of comments were concerning the types of cannabinoid hemp products allowed to be sold. More specifically, commenters requested that cannabinoid hemp flower products, suppositories, transdermal patches and inhalers be authorized for retail sale to consumers. In addition, commenters requested amendments to the packaging and labeling provisions concerning the requirement to list all cannabinoids within products, including the THC content. Additional comments questioned the Department’s ability to impose a milligram per THC cap for cannabinoid hemp products while several commenters requested the Department modify testing requirements to either add or remove listed analytes or modify threshold limits.

As a result of these public comments, the Department has amended the proposed regulation and is issuing a Notice of Revised Rulemaking.

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

Applied Behavior Analysis

I.D. No. HLT-04-20-00003-RP

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

Proposed Action: Addition of section 505.39 to Title 18 NYCRR.

Statutory authority: Social Services Law, section 365-a

Subject: Applied Behavior Analysis.

Purpose: To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.

Text of revised rule: Pursuant to the authority vested in the Commissioner of Health by Section 365-a of the Social Services Law (SSL), Section 505.39 of Title 18 (Social Services) of the Official Compilation of Codes, Rules and Regulations of the State of New York is added, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Section 505.39 Applied Behavior Analysis

(a) Definitions.

(1) Applied Behavior Analysis or “ABA,” as defined in section eighty-eight hundred one of NYS education law, means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

(2) A licensed behavior analyst is an individual licensed to practice applied behavior analysis under article one hundred sixty-seven of the education law.

(3) A certified behavior analyst assistant is an individual certified under article one hundred sixty-seven of NYS education law who provides ABA and works under the supervision of a licensed behavior analyst.

(b) General.

(1) Medical assistance shall include applied behavior analysis where such service is provided by a Licensed Behavior Analyst (LBA) or Certified Behavior Analyst Assistant (CBAA) working under the supervision of an LBA, or other individual specified under article one hundred sixty-seven of NYS education law, for the behavior health treatment for persons under 21 years of age with autism spectrum disorders and related disorders.

(c) Payment policy.

(1) Payment for applied behavior analysis (ABA) services shall be made to ABA providers at rates or fees established by the Department of Health and approved by the Division of the Budget.

Revised rule compared with proposed rule: Substantial revisions were made in section 505.39(b)(1).

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

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

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

Revised Regulatory Impact Statement

Statutory Authority:

Social Services Law (SSL) section 365-a and Public Health Law (PHL) section 201(l)(v) provide that the Department is the single State agency responsible for supervising the administration of the State's medical assistance ("Medicaid") program and for adopting such regulations, which shall be consistent with law, and as may be necessary to implement the State's Medicaid program. SSL section 365-a authorizes Medicaid coverage for specified medical care, services and supplies, together with such medical care, services and supplies as authorized in the regulations of the Department. The statutory authority for Section 505.39 of Title 18 (Social Services) is found in Social Services Law (SSL) 365-a(3)(b).

Legislative Objectives:

The legislative objective of SSL section 365-a(3)(b) is to set forth the requirements for care and treatment of disabilities and conditions discovered and diagnosed by the early and periodic screening required by SSL section 365-a(3)(a), which include Autism Spectrum Disorder (ASD) and related disorders.

Needs and Benefits:

The amendment is implementing a 2019-2020 budget initiative. The amendment will add medical assistance for Applied Behavior Analysis (ABA) for Medicaid members (fee for service and managed care) under 21 years of age with a diagnosis of Autism Spectrum Disorder (ASD) and related disorders, and define the practitioners authorized to provide ABA services. These services and practitioners are currently covered by Child Health Plus and all major commercial payors. The amendment will allow Medicaid to cover ABA services which are covered by Child Health Plus and all major commercial payors and align the Medicaid program with the Department of Financial Services and their coverage policy on ABA. This will allow a continuity of care across all payors. The amendment also aligns the Medicaid program with CMS guidance that authorizes Medicaid programs to pay for treatment modalities for individuals with ASD. Potential benefits of leveraging ABA include continuity of care and access as children age out of Early Intervention and increased outcomes to those who have ASD.

Costs:

Costs to the state are estimated to be \$13.1 million annually.

Local Government Mandates:

There are no duties or responsibilities imposed by the proposed rule on local governments.

Paperwork:

This rule imposes no new reporting requirements, forms, or other paperwork.

Duplication:

There are no relevant rules or other legal requirements of the federal or state governments that duplicate, overlap, or conflict with this rule.

Alternatives:

A statutory amendment was considered; however, it was determined unnecessary because ABA meets the definition of an Early and Periodic Screening, Diagnostic, and Treatment defined in SSL 365-a(3)(b).

Federal Standards:

There are no federal standards associated with this rule.

Compliance Schedule:

The amendment, section 505.39 of Title 18 (Social Services), will become effective upon publication of a 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 last published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The agency received no public comment.

Division of Homeland Security and Emergency Services

NOTICE OF ADOPTION

Minimum Qualifications for Certain Fire Chiefs

I.D. No. HES-08-21-00007-A

Filing No. 566

Filing Date: 2021-05-13

Effective Date: 2021-06-02

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

Action taken: Addition of Part 227; amendment of section 426.9(h) of Title 19 NYCRR.

Statutory authority: Executive Law, section 158; Civil Service Law, section 58-a; and General Municipal Law, section 204-dd

Subject: Minimum qualifications for certain fire chiefs.

Purpose: Establish minimum qualifications for fire chiefs subject to Civil Service Law section 58-a and General Municipal Law section 204-dd.

Text of final rule: 19 NYCRR section 426.9(h) is amended to read as follows:

(h) For Supervisory Level V (chief of department level responsibilities) [under development.] a person shall:

1. possess Fire Officer 3 certification, pursuant to National Fire Protection Association (NFPA) 1021 Standard for Fire Officer Professional Qualifications, 2014 Edition, or possess the training, education, experience, or combination thereof, determined by the State Fire Administrator to meet the requirements of Civil Service Law section 58-a; and

2. meet the minimum qualifications established by the local civil service agency having jurisdiction; and

3. meet the core competencies for incident commander established by the State Fire Administrator; pursuant to General Municipal Law section 204-dd and 9 NYCRR Part 227.

A new Part 227 is added to title 9 of the New York Code of Rules and Regulations to read as follows:

Qualifications of a Fire Chief.

227.1 Authority, intent and purpose.

(a) *Statutory authority: General Municipal Law Section 204-dd;*

(b) *The intent and purpose of this part is to establish minimum qualifications for a fire chief in any fire department or fire company that employs six (6) or more paid fire fighters in the State of New York.*

227.2 Definitions.

(a) *The term "fire chief" means the person who is head of the department or any title or rank that includes the duties of fire chief in any fire department or fire company with six (6) or more paid fire fighters.*

(b) *The term "fire fighter" means a member of a fire department whose duties include fire service as the phrase fire service is defined in paragraph d of subdivision eleven of section three hundred two of the retirement and social security law.*

227.3 Qualifications of a fire chief.

(a) *To eligible for appointment or election as a fire chief the person must meet the core competencies for incident commander established by the State Fire Administrator.*

(b) *The Office of Fire Prevention and Control shall post and keep current the core competencies for incident commander on its official website.*

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 227.2 and 227.3(a).

Revised rule making(s) were previously published in the State Register on February 24, 2021.

Text of rule and any required statements and analyses may be obtained from: Kenneth Bruno, Deputy Counsel, NYS Division of Homeland Security and Emergency Services, 1220 Washington Avenue, Building 7A, Albany, NY 12226, (518) 242-5000, email: Kenneth.Bruno@dhses.ny.gov

Revised Regulatory Impact Statement

1. Statutory authority:

Civil Service Section 58-a, Executive Law Sections 158 and 159-d and General Municipal Law Sections 204-dd, authorize the New York State Division of Homeland Security and Emergency Services, Office of Fire Prevention and Control (OFPC), to adopt the rules and regulations to establish minimum requirements for education, health and safety for paid fire chiefs. In addition, General Municipal Law Section 204-dd requires

that all fire chiefs in departments with six (6) or more paid (civil service) firefighters (also commonly known as combination fire departments) in New York State, meet the training standards for incident commanders as established by the most recently adopted recommended best practices for fire training programs by the Division of Homeland Security and Emergency Services, Office of Fire Prevention and Control.

2. Legislative objectives:

The legislative objectives of Chapter 406 of the Laws of 2018 and Chapter 678 of the Laws of 2019 are to establish basic, educational, health and physical fitness training standards for career (civil service) fire chiefs (outside New York City) and fire chiefs in a department with six or more paid (civil service) firefighters in New York State.

3. Needs and benefits:

Prior to Chapter 406 of the Laws of 2018 and Chapter 678 of the Laws of 2019, New York State did not have minimum training qualification for fire chiefs. This potential lack of training and/or understanding of fire situations could seriously jeopardize the safety of the public and the brave firefighters on the scene of a fire under the direction of the chief. These required standards ensure eligible individuals have learned the necessary strategic and tactical skills to lead the fire department. The addition of 9 NYCRR Part 227 and amendment to 19 NYCRR Section 426.9(h) are necessary to implement the statutory changes relating to minimum training and qualifications for paid (civil service) fire chiefs and fire chiefs in combination fire departments. No scientific or statistical study, report, or analysis served as a basis for the proposed rule.

4. Costs:

Costs to fire districts, departments, and companies will directly correlate to any training needed for an individual to be eligible for appointment or election to fire chief in order to meet the job responsibility requirements. All necessary fire chief training can be conducted at the fire department, at the State Academy of Fire Science and at other locations regionally around the state. The costs to municipalities, fire department and fire districts will be nominal and may include paid time for the individual to attend the training and other minor training expenses.

5. Local government mandates:

This rule will impose new minimum requirements for education, health and safety for fire chiefs of department with six or more paid firefighters. It is not anticipated that the rule will impact localities in any significant manner. Since Chapter 406 of the Laws of 2018 was effective in January 2019, it only applied to fire chiefs appointed on or after that date. Therefore, the law only impacts a small number of jurisdictions in the State. At the time of these proposed rules, there has been almost two years for candidates for fire chief of a career fire department to obtain the training necessary to meet the minimum qualifications for fire chief as required by the regulations.

6. Paperwork:

The proposed rule would not require municipalities to complete any additional paperwork or maintain additional documentation.

7. Duplication:

There are no rules or other legal requirements of either the State or federal government which duplicate, overlap, or conflict with the proposed rule.

8. Alternatives:

The provisions of the proposed rule implement statutory mandates of Chapter 406 of the Laws of 2018 and Chapter 678 of the Laws of 2019. There were no significant alternatives considered.

9. Federal standards:

No standards have been set by the federal government for the same or similar subject areas.

10. Compliance schedule:

Chapter 406 of the Laws of 2018 was enacted on December 21, 2018 and effective on January 20, 2019 and subsequently amended by Chapter 678 of the Laws of 2019 which was enacted on December 16, 2019 and became effective June 13, 2020. As of January 20, 2019, to be eligible for appointment to fire chief of a career fire department subject to Civil Service Law Section 58-a, individuals must possess Fire Officer III certification pursuant to the National Fire Protection Association's Standard 1021 for Fire Officer Professional Qualifications or possess the training, education, experience or a combination thereof as determined by the State Fire Administrator. Guidance regarding fire officer training, education and experience will be posted on OFPC's official website at: WWW.DHSES.NY.GOV/OFFPC. In addition, as of June 13, 2020, to be eligible for appointment or election as a fire chief in departments that employ six (6) or more paid firefighters, (e.g. career fire departments or combination fire departments), individuals must meet the current core competencies for incident commander established by the Office of Fire Prevention and Control. These core competencies will be posted and maintained on OFPC's official website at: WWW.DHSES.NY.GOV/OFFPC. These core competencies are derived from the most recently developed "Recommended Best Practices for Fire Department Training Programs" Bulletin which is currently posted on OFPC's official website.

Revised Regulatory Flexibility Analysis

1. Effect of rule:

Fire departments in cities, towns, villages or fire districts that employ a paid (civil service) fire chief or any fire department that employs six (6) or more paid fire fighters (civil service) are considered local governments affected by the proposed rule.

2. Compliance requirements:

It is not anticipated that small businesses or local governments will not have to perform any new reporting, record keeping or other affirmative acts in order to comply with the rule.

3. Professional services:

None known.

4. Compliance costs:

It is not anticipated that fire districts, departments, and companies will incur significant costs as a result of the regulations. Any costs incurred will relate to minimal training expenses which may include time paid to individuals who need additional training. Any training costs incurred by individuals is minimal. Depending on the training, it can be taught in-house, by state certified instructors at the fire department or by state fire instructors at low to no cost at the NYS Academy of Fire Science or regionally at local fire departments or training academies.

5. Economic and technological feasibility:

It is not anticipated that the proposed rule will have any significant financial impact on small businesses and local governments. It is not anticipated that the rule will impose any technological burdens on local governments.

6. Minimizing adverse impact:

The purpose of the proposed rule is to ensure that paid fire chiefs (civil service) and fire chiefs of departments which employ six (6) or more paid (civil service) firefighters in New York State meet minimum qualifications related to education, health and physical fitness as well as nationally recognized fire officer professional qualifications. The intent is to provide the rules and regulations reasonably necessary to establish those minimum qualifications statewide. As such, the proposed rule does not distinguish between small or large businesses or local governments which may be affected by this rule. Therefore, the approaches for minimizing adverse economic impact on small businesses or local governments suggested by section 202-b (1) of SAPA were not considered in the development of this rule. In addition, statewide fire service associations and municipal associations which represent rural areas statewide have had the opportunity to advise and provide guidance regarding the rule.

7. Small business and local government participation:

Both small businesses and local governments will have an opportunity to participate in the rule making process by means of submissions during the public comment period according to SAPA guidelines.

Revised Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

There are approximately 105 career and combination fire departments and companies in New York State. Career fire chiefs subject to Civil Service Law Section 58-a, except those in New York City, and fire chiefs in New York State of fire departments or companies that employ six (6) or more paid firefighters (civil service) will be subject to the rule, including those departments in rural areas.

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

The proposed rule would not require fire districts, departments, or companies to report or submit any new forms to the New York State Division of Homeland Security and Emergency Services, Office of Fire Prevention and Control. It is not anticipated that fire districts, departments, and companies in rural areas will need to engage professional services in order to comply with the proposed rule.

3. Costs:

Costs to fire departments and companies will be nominal given that all necessary training is available and provided by the State at low to no cost. The costs incurred may include time paid to individuals to attend the training and other minimal training expenses.

4. Minimizing adverse impact:

The purpose of the proposed rule is to provide the training standards and minimum qualifications reasonably necessary to implement the provisions of Chapter 406 of the Laws of 2018 and Chapter 678 of the Laws of 2019. The rules do not distinguish between rural areas and non-rural areas of New York State. The proposed rules are not expected to have any substantial adverse impact on rural areas and therefore no other approaches or exemptions were considered to minimize impact in such areas.

5. Rural area participation:

Public and private interests in rural areas will have an opportunity to participate in the rule making process by means of submissions during the public comment period according to SAPA guidelines. In addition, the statewide fire service associations and municipal associations which represent rural areas statewide have had the opportunity to advise and provide

guidance regarding the rule. OFPC will have a designated point of contact to assist the various New York State fire services including those in rural areas with the complexities of implementation and requirements established by the rule.

Summary of Revised Job Impact Statement

A Job Impact Statement is not required as the Division of Homeland Security and Emergency Services, Office of Fire Prevention and Control finds that the rule will not have a substantial adverse impact on jobs or employment opportunities. The nature and purpose of the rule is to implement the provisions of Chapter 406 of the Laws of 2018 and Chapter 678 of the Laws of 2019 statewide to establish minimum qualification for fire chiefs subject to the New York State Civil Service Law Section 58-a and General Municipal Law Section 204-dd.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

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

Assessment of Public Comment

This assessment responds to the comments received on the draft regulations for Part 227 of Title 9 and Part 426.9(h) of Title 19 of the New York Codes, Rules and Regulations (NYCRR) which were published in the State Register on February 24, 2021.

On February 9, 2021, the Office of Fire Prevention and Control, (OFPC) proposed and published for public comment draft regulations relating to the minimum qualification for fire chiefs pursuant to Chapter 406 of the Laws of 2018 and Chapter 678 of the Laws of 2019. No public hearings were conducted related to the regulations. The Public Comment period ended on April 12, 2021.

In total OFPC received three (3) comments on the regulations via email and U.S Mail.

OFPC processed these comments and all comments received equal consideration. The comments received were from the Brighton Fire District located in Rochester, New York, the Brighton Professional Firefighters Association, Local 2223 located in Rochester, New York and the New York State Professional Fire Fighters Association, Inc. located in Albany, New York.

Comment 1. Brighton Fire District, 3100 East Avenue, Rochester, New York 14610-3522

Summary – The Brighton Fire District comments that Fire Officer I certification should be the minimum training requirement for a fire chief of a fire department that employs six (6) or more paid (civil service) firefighters and seeks clarification in the regulations to indicate that OFPC's most recently published best practices for incident commanders is the sole minimum requirement for fire chiefs subject to General Municipal Law Section 204-dd.

Comment 2. Brighton Professional Firefighters Association, Local 2223, PO Box 18083 Rochester, NY 14618

International Association of Fire Fighters, AFL-CIO, CLC
New York State Professional Firefighters Association

Summary: The Brighton Professional Firefighters Association comments that at emergency incidents in their fire district, civil servant officer firefighters are required to relinquish control of the fire scene to volunteer officers who out rank them but have less training, which jeopardizes the health and safety of the public and firefighters. The Association recommends Firefighter II and Fire Officer III be the minimum level of training for fire chiefs in departments subject to General Municipal Law 204-dd and the best practices should include a requirement that ICS command not be transferred from an officer with higher level of training to an officer with a lower level of training. Lastly, the Association comments on the lack of enforcement of these regulations.

Comment 3. New York State Professional Fire Fighters Association, Inc. (NYSPFFA), 174 Washington Avenue, Albany, New York 12210

Summary: NYSPFFA comments that fire departments should have fire chiefs that are adequately trained and prepared for fire and other catastrophic events. The Recommended best practices for incident commanders contains language that chiefs, officers and firefighters designated to perform the duties of incident commander must receive training superior than that of the general membership of the fire department. NYSPFFA comments that the key focus of the proposed regulations should be to ensure that fire chiefs and incident commanders are trained to a level at or exceeding the training of firefighters they are in command of. Fire Officer I, National Certification for Fire Officer I and First Line Supervisor Training Program should be required as core competencies for fire chiefs in combination departments and OFPC should consider additional periodic and recurring training for fire chiefs.

Response to the comments:

General Municipal Law § 204-dd requires individuals appointed or elected as fire chief (career or volunteer) of a fire department with six (6) or more paid (civil service) firefighters to meet the requirements established by the most recently developed recommended best practices for incident commanders adopted by the Office of Fire Prevention and Control (OFPC). Fire chiefs who are subject to the civil service law must also meet the requirement contained in Civil Service Law section 58-a. Candidates must also meet any other applicable State or local training requirements.

The Recommended Best Practices for Fire Department Training Programs is based on the foundational training requirements contained in the Occupation Safety and Health Administration (OSHA) rules (29 C.F.R. 1910.134), wherein all firefighters must be trained commensurate to the duties and functions they are expected to perform, and leaders and training instructors must be trained at a higher level than the general membership of the fire department. In addition, the Best Practices for Incident Commander is based on the job performance requirements of the National Fire Protection Association (NFPA) 1021, for the Fire Officer level 1.

The Authority Having Jurisdiction is responsible to ensure that the individual appointed or elected as fire chief meets the minimum qualifications, in addition to other State and local requirements.

The regulations implement to the requirements contained in law and cannot impose additional training requirements not authorized by law. Notwithstanding, the core competencies for incident commander will be updated as additional training and qualifications are deemed necessary for the safety of the fire service and the public.

OFPC will post the minimum requirements for career and combination fire chiefs on its website. As required by the GML, OFPC will require all fire chiefs with six (6) or more paid (civil service) firefighters to meet the incident commander core competencies, contained in the current Recommended Best Practices for Fire Department Training Programs found at: <http://www.dhses.ny.gov/ofpc/training/documents/training-best-practices.pdf>.

As the law recognizes the fire chief as is the individual in charge of the fire department and fire scene, these regulations do not address the implementation of the incident command system.

Based on the forgoing, the proposed rules did not require changes to be made.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-50-19-00004-A

Filing Date: 2021-05-17

Effective Date: 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order approving QB Development Owner LLC's (QB Development) petition to submeter electricity at 46-10 70th Street and 46-09 69th Street, Woodside, NY and waiver of energy audit requirements in 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve QB Development's petition to submeter electricity and waiver request of 16 NYCRR section 96.5(k)(3).

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving QB Development Owner LLC's petition to submeter electricity at 46-10 70th Street and 46-09 69th Street, Woodside, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and waiver of energy audit requirements in 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(19-E-0728SA1)

NOTICE OF ADOPTION**Submetering of Electricity and Waiver Request****I.D. No.** PSC-47-20-00006-A**Filing Date:** 2021-05-17**Effective Date:** 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order approving 225 West 28th Street Property Owner LLC's (225 W 28th Street) notice of intent to submeter electricity at 225 West 28th Street, New York, NY and waiver of energy audit requirements in 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve 225 W 28th Street's notice of intent to submeter electricity and waiver request of 16 NYCRR section 96.5(k)(3).

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving 225 West 28th Street Property Owner LLC's notice of intent to submeter electricity at 225 West 28th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and waiver of energy audit requirements in 16 NYCRR § 96.5(k)(3), 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-0469SA1)

NOTICE OF ADOPTION**CDG Banked Credits White Paper****I.D. No.** PSC-52-20-00006-A**Filing Date:** 2021-05-17**Effective Date:** 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order, with modifications, approving the recommendations in the Department of Public Service Staff White Paper on Community Distributed Generation Banked Credits and clarified other existing banking rules.

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

Subject: CDG Banked Credits White Paper.

Purpose: To approve, with modifications, Staff's CDG Banked Credits White Paper and clarify banking rules.

Substance of final rule: The Commission, on May 13, 2021, adopted an order, with modifications, approving the recommendations in the December 15, 2020 Department of Public Service Staff White Paper on Community Distributed Generation Banked Credits and clarified other existing banking rules to provide consistency across utility tariffs. Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation are directed to file tariff amendments on not less than 30 days' notice, to become effective on August 2, 2021, incorporating the modifications described in the body of the order and are also directed to file, within 30 days of the order, a proposal to apply these new banking rules to Remote Crediting and to address any issues that may arise from participants switching between Community Distributed Generation, Net Crediting, and Remote Crediting, 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-E-0751SA36)

NOTICE OF ADOPTION**Financing Petition****I.D. No.** PSC-52-20-00017-A**Filing Date:** 2021-05-14**Effective Date:** 2021-05-14

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

Action taken: On 5/13/21, the PSC adopted an order approving Enwave Syracuse LLC (Enwave) and Syracuse Energy Concessionaire LLC's (Syracuse Energy) petition to issue up to \$250 million in new long-term debt securities.

Statutory authority: Public Service Law, sections 2(22), 5(1)(c), 78, 79, 80, 82, 84 and 85

Subject: Financing petition.

Purpose: To approve Enwave and Syracuse Energy's petition to issue up to \$250 million in new long-term debt securities.

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's petition to issue up to \$250 million in new long-term debt securities, up to a maximum amount of \$250 million, including financing flexibility, 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-S-0550SA1)

NOTICE OF ADOPTION**Waiver of Commission Regulations and National Grid Tariff Provisions****I.D. No.** PSC-03-21-00009-A**Filing Date:** 2021-05-14**Effective Date:** 2021-05-14

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

Action taken: On 5/13/21, the PSC adopted an order approving WTW Development LLC's (WTW) petition for a waiver of 16 NYCRR section 100.3 and National Grid's tariff rules related to the extension of electric and gas service to non-residing applicants.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of Commission regulations and National Grid tariff provisions.

Purpose: To approve WTW's petition for a waiver of Commission regulations and National Grid tariff provisions.

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving WTW Development LLC's (WTW) petition for a waiver of 16 NYCRR § 100.3, which provides that a non-residing applicant for electric service must provide a deposit to the utility prior to commencing construction and Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff rules related to the extension of electric and gas service to non-residing applicants. National Grid is directed to extend

the time allowed for WTW, owner of the Whitetail Woods Subdivision, to have an end-user take electric and gas service for the final three building lots of Whitetail Woods Subdivision, from November 30, 2020 to December 31, 2021, subject to the terms and conditions set forth in the order.

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

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

Assessment of Public Comment

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

(20-M-0670SA1)

NOTICE OF ADOPTION

Increase in Annual Revenues

I.D. No. PSC-04-21-00018-A

Filing Date: 2021-05-14

Effective Date: 2021-05-14

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

Action taken: On 5/13/21, the PSC adopted an order authorizing the Village of Fairport Electric Department (Village of Fairport) to increase its annual revenues and directed Fairport to file a cancellation supplement.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Increase in annual revenues.

Purpose: To authorize the Village of Fairport for an increase in annual revenues.

Text or summary was published in the January 27, 2021 issue of the Register, I.D. No. PSC-04-21-00018-P.

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-0595SA1)

NOTICE OF ADOPTION

Implementation Plan

I.D. No. PSC-04-21-00019-A

Filing Date: 2021-05-13

Effective Date: 2021-05-13

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

Action taken: On 5/13/21, the PSC adopted an order approving National Grid USA's (National Grid) December 21, 2020 Implementation Plan and directs National Grid to implement the plan.

Statutory authority: Public Service Law, section 66(19)

Subject: Implementation Plan.

Purpose: To approve National Grid's Implementation Plan and direct National Grid to implement the plan.

Text or summary was published in the January 27, 2021 issue of the Register, I.D. No. PSC-04-21-00019-P.

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.

(18-M-0195SA1)

NOTICE OF ADOPTION

Increase in Annual Revenues

I.D. No. PSC-05-21-00009-A

Filing Date: 2021-05-14

Effective Date: 2021-05-14

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

Action taken: On 5/13/21, the PSC adopted an order authorizing Bethel Water Company, Inc. (Bethel) to increase its annual operating revenues by \$12,876, effective June 1, 2021, and to change its annual billing date to June 1.

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

Subject: Increase in annual revenues.

Purpose: To authorize Bethel for an increase in annual revenues and a change to its annual billing date.

Text or summary was published in the February 3, 2021 issue of the Register, I.D. No. PSC-05-21-00009-P.

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.

(21-W-0048SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-06-21-00008-A

Filing Date: 2021-05-14

Effective Date: 2021-05-14

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

Action taken: On 5/13/21, the PSC adopted an order approving Green Island Power Authority's (Green Island) tariff amendments to P.S.C. No. 1 — Electricity, to become effective on June 1, 2021.

Statutory authority: Public Service Law, sections 65, 66 and 66-p

Subject: Tariff amendments.

Purpose: To approve Green Island's tariff amendments.

Text or summary was published in the February 10, 2021 issue of the Register, I.D. No. PSC-06-21-00008-P.

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

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

Assessment of Public Comment

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

(20-M-0029SA20)

NOTICE OF ADOPTION

Standby Rate Exemptions

I.D. No. PSC-06-21-00010-A

Filing Date: 2021-05-14

Effective Date: 2021-05-14

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

Action taken: On 5/13/21, the PSC adopted an order directing the major utilities to file tariff amendments implementing modifications to the continued Standby Rate Exemptions and directs updated procedures for future review.

Statutory authority: Public Service Law, sections 64, 65(1), (2), (3), (5), 66(1), (2), (5), (8), (9), (10) and (12)

Subject: Standby Rate Exemptions.

Purpose: To direct the major utilities to file tariff amendments implementing modifications to the continued Standby Rate Exemptions.

Text or summary was published in the February 10, 2021 issue of the Register, I.D. No. PSC-06-21-00010-P.

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

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

Assessment of Public Comment

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

(19-E-0079SA2)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-07-21-00006-A

Filing Date: 2021-05-17

Effective Date: 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Village of Carthage, New York to the Village of Carthage.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's transfer of street lighting facilities to the Village of Carthage.

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Village of Carthage, New York to the Village of Carthage. The authority is granted for one year from the issuance of the order and shall expire if the transaction is not completed within that time period. National Grid shall file with the Secretary, within 60 days of the final transfer of the street lighting facilities to the Village of Carthage, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, 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.

(21-E-0063SA1)

NOTICE OF ADOPTION

Petition for Waiver

I.D. No. PSC-07-21-00008-A

Filing Date: 2021-05-17

Effective Date: 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order approving, subject to conditions, Pattersonville Telephone Company's (Pattersonville) petition for a waiver of 16 NYCRR section 602.10(b), relating to the distribution of printed telephone directories.

Statutory authority: Public Service Law, section 94(2)

Subject: Petition for waiver.

Purpose: To approve, subject to conditions, Pattersonville's petition for a waiver of 16 NYCRR section 602.10(b).

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving, subject to conditions, Pattersonville Telephone Company's (Pattersonville) petition for a waiver of 16 NYCRR § 602.10(b), relating to the blanket distribution of hard copy, printed telephone directories, 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.

(21-C-0054SA1)

NOTICE OF ADOPTION

Motion for Waiver of Regulations Related to Article VII Application for a CECPN

I.D. No. PSC-07-21-00009-A

Filing Date: 2021-05-18

Effective Date: 2021-05-18

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

Action taken: On 5/13/21, the PSC adopted an order granting Alle-Catt Wind Energy LLC's (Alle-Catt) motion for waiver of certain Commission regulations related to its Article VII application for a Certificate of Environmental Compatibility and Public Need (CECPN).

Statutory authority: Public Service Law, sections 4 and 122

Subject: Motion for waiver of regulations related to Article VII application for a CECPN.

Purpose: To grant Alle-Catt's motion for waiver of regulations related to Article VII application for a CECPN.

Substance of final rule: The Commission, on May 13, 2021, adopted an order granting Alle-Catt Wind Energy LLC's (Alle-Catt) motion for waiver of certain Commission regulations related to its Public Service Law Article VII application for a Certificate of Environmental Compatibility and Public Need. Alle-Catt's waiver of 16 NYCRR § 86.3(a)(1), 86.3(a)(2), and 86.4(b), relating to the filing of certain maps, is also approved, authorizing Alle-Catt to use United States Geological Survey maps rather than New State Department of Transportation maps to depict required information showing the proposed right-of-way and surrounding area, the relationship of the proposed facilities to interconnected electrical systems, and alternative routes considered, 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.

(21-T-0059SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-07-21-00010-A**Filing Date:** 2021-05-17**Effective Date:** 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Village of Herkimer, New York to the Village of Herkimer.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's transfer of street lighting facilities to the Village of Herkimer.

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Village of Herkimer, New York to the Village of Herkimer. The authority is granted for one year from the issuance of the order and shall expire if the transaction is not completed within that time period. National Grid shall file with the Secretary, within 60 days of the final transfer of the street lighting facilities to the Village of Herkimer, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, 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.

(21-E-0062SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-07-21-00011-A**Filing Date:** 2021-05-17**Effective Date:** 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Town of Cortlandville, New York to the Town of Cortlandville.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's transfer of street lighting facilities to the Town of Cortlandville.

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Town of Cortlandville, New York to the Town of Cortlandville. The authority is granted for one year from the issuance of the order and shall expire if the transaction is not completed within that time period. National Grid shall file with the Secretary, within 60 days of the final transfer of the street lighting facilities to the Town of Cortlandville, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, 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 Commis-

sion, 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-0606SA1)

NOTICE OF ADOPTION**Transfer of Water Supply Assets and Dissolution of the Company****I.D. No.** PSC-08-21-00004-A**Filing Date:** 2021-05-13**Effective Date:** 2021-05-13

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

Action taken: On 5/13/21, the PSC adopted an order approving Twin Lakes Water-Works Corporation (Twin Lakes) and Twin Lakes Water Co., Inc.'s (TLWCI) petition to transfer all of Twin Lakes' water supply assets to TLWCI, and the dissolution of Twin Lakes.

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

Subject: Transfer of water supply assets and dissolution of the company.

Purpose: To approve Twin Lakes and TLWCI's petition to transfer water supply assets to TLWCI and dissolve Twin Lakes.

Text or summary was published in the February 24, 2021 issue of the Register, I.D. No. PSC-08-21-00004-P.

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.

(21-W-0077SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-08-21-00005-A**Filing Date:** 2021-05-17**Effective Date:** 2021-05-17

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

Action taken: On 5/13/21, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Town of Grand Island, New York to the Town of Grand Island.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's transfer of street lighting facilities to the Town of Grand Island.

Substance of final rule: The Commission, on May 13, 2021, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities within the Town of Grand Island, New York to the Town of Grand Island. The authority is granted for one year from the issuance of the order and shall expire if the transaction is not completed within that time period. National Grid shall file with the Secretary, within 60 days of the final transfer of the street lighting facilities to the Town of Grand Island, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, 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 Commis-

sion, 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.

(21-E-0076SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-09-21-00008-A

Filing Date: 2021-05-14

Effective Date: 2021-05-14

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

Action taken: On 5/13/21, the PSC adopted an order approving Fillmore Gas Company, Inc.'s (Fillmore) tariff amendments to P.S.C. No. 1 — Gas, to become effective on June 1, 2021.

Statutory authority: Public Service Law, sections 65, 66 and 66-p

Subject: Tariff amendments.

Purpose: To approve Fillmore's tariff amendments.

Text or summary was published in the March 3, 2021 issue of the Register, I.D. No. PSC-09-21-00008-P.

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

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

Assessment of Public Comment

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

(20-M-0029SA21)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-22-21-00006-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 the notice of intent of 160 East 48th Street Owner II, LLC to submeter electricity at 160 East 48th Street, New York, New York.

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

Subject: Notice of intent to submeter electricity.

Purpose: To ensure adequate submetering equipment and consumer protections are in place.

Substance of proposed rule: The Commission is considering the notice of intent filed by 160 East 48th Street Owner II, LLC on October 11, 2019, to submeter electricity at a rental building located at 160 East 48th Street, New York, New York 10017, located in the territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, 160 East 48th Street Owner II, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(19-E-0679SP1)

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

Applicable Regulatory Regime Under the Public Service Law for the Owner of a Merchant Electric Generating Facility

I.D. No. PSC-22-21-00007-P

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

Proposed Action: The Commission is considering South Fork Wind's petition for a lightened regulatory regime for its 7.6 mile, 138 kilovolt alternating current electric cable connecting the offshore South Fork Wind Farm to the existing electric grid in East Hampton, NY.

Statutory authority: Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64, 65, 66, 67, 68, 69, 69-a, 70, 71, 72, 72-a, 78, 79, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.

Purpose: Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by South Fork Wind, LLC (South Fork) on May 3, 2021, for a lightened regulatory regime in connection with its construction, ownership, and operation of a 7.6 mile, 138 kilovolt alternating current electric cable connecting the offshore South Fork Wind Farm in federal waters with the existing mainland electric grid in East Hampton, Suffolk County, New York.

South Fork requests that the Commission issue an order providing that it be regulated under the Public Service Law subject to a lightened regulatory regime consistent with that employed for similar competitive facilities operating wholly in the competitive wholesale markets. The Commission is also considering South Fork's request for a Certificate of Public Convenience and Necessity pursuant to Public Service Law § 68 for authority to develop, construct, and operate the proposed electric plant.

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

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

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

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

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

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

(21-E-0261SP1)

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

Cost Allocation for Project(s) to Meet a Public Policy Transmission Need/Public Policy Requirement

I.D. No. PSC-22-21-00008-P

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

Proposed Action: The Commission is considering multiple companies requests for rehearing and/or reconsideration of the March 19, 2021 Commission Order Addressing Public Policy Requirements for Transmission Planning Purposes.

Statutory authority: Public Service Law, sections 4(1), 5(1)(b), (2), 65(1), 66(1), (2), (5) and 66-p

Subject: Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.

Purpose: To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition for rehearing or, in the alternative, reconsideration filed by the Long Island Power Authority (LIPA) on April 19, 2021, and a petition for rehearing filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. (collectively, the Companies) on April 20, 2021, with respect to the Commission's Order Addressing Public Policy Requirements for Transmission Planning Purposes, which was issued on March 19, 2021 (the March 2021 Order).

LIPA and the Companies request that the Commission revisit and modify its directive in the March 2021 Order that the New York Independent System Operator, Inc. shall utilize a cost allocation methodology whereby the NYISO was directed to use a beneficiaries pay principle that would assign 75% of the project(s) costs to those beneficiaries receiving economic benefits associated with congestion relief, while the remaining 25% portion of the costs would be allocated statewide on a load-ratio share given that increased access to renewables will reduce emissions and thus provide benefits statewide. LIPA and the Companies request that the Commission utilize a statewide load-ratio share to allocate 100% of the project(s) costs.

The full text of the filings 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 other related matters.

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

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

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

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

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

(20-E-0497SP2)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-19-21-00001-P	Set Monitoring, Operational and Reporting Requirements for the Oil and Natural Gas Sector	Electronic webinar—July 20, 2021, 2:00 p.m. and 6:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 203 by May 12, 2021. The proposed regulations webpage for 6 NYCRR Part 203 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 203 public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than June 29, 2021. The written request must be addressed to ALJ Lara Q. Olivieri, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Olivieri at: ohms@dec.ny.gov
Liquor Authority, State		
LQR-12-21-00005-P	Minimum Curriculum Requirements for ATAP Schools	163 W. 125th St. New York, NY—June 9, 2021, 10:00 a.m.
Long Island Power Authority		
LPA-14-21-00010-P	To Increase Participation in the NYSERDA GJGNY On-Bill Loan Installment Program	Virtual (link will be on LIPA website)—June 7, 2021, 10:00 a.m. and 2:00 p.m.
Public Service Commission		
PSC-19-21-00009-P	Major Electric Rate Filing	Teleconference—July 12, 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 21-E-0074.
PSC-19-21-00012-P	Major Gas Rate Filing	Teleconference—July 12, 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 21-G-0073.

State, Department of

DOS-19-21-00014-P..... Minimum Standards for Administration and Enforcement of the Uniform Code and Energy Code

99 Washington Ave., Rm. 505, Albany, NY—
July 15, 2021, 10:00 a.m.
Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State’s Division of Building Standards and Codes’ website at <https://dos.ny.gov/notice-proposed-rule-making> at least fourteen (14) days prior to the public hearing.

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	0001	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 07/24/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
AAM-21-21-00021-EP	..... 05/26/22	Control of the European Cherry Fruit Fly	To help control the spread of the European Cherry Fruit Fly (ECFF), which renders cherries unmarketable if they are infested

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-28-20-00013-P	..... 07/24/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00016-P	..... 07/24/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

CHILDREN AND FAMILY SERVICES, OFFICE OF

*CFS-04-20-00009-P	..... 07/24/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
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.

CIVIL SERVICE, DEPARTMENT OF

*CVS-06-20-00004-P	..... 07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-13-20-00015-P	..... 07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Action Pending Index

NYS Register/June 2, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
*CVS-13-20-00016-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00002-P	07/24/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-24-20-00007-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/24/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/24/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/24/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/24/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/24/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/24/21	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-28-20-00011-P	07/24/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/24/21	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
CVS-06-21-00001-P	02/10/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to classify positions in the non-competitive class
CVS-06-21-00002-P	02/10/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-21-00003-P	02/10/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-06-21-00004-P	02/10/22	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-21-00005-P	02/10/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-21-00001-P	03/10/22	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-10-21-00002-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class and to classify a position from the non-competitive class
CVS-10-21-00003-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class

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CIVIL SERVICE, DEPARTMENT OF			
CVS-10-21-00004-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00005-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00005-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00006-P	03/31/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-21-00007-P	03/31/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-21-00008-P	03/31/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-14-21-00001-P	04/07/22	Juneteenth Holiday	To add Juneteenth to the listing of holidays in the Attendance Rules
CVS-14-21-00002-P	04/07/22	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2021
CVS-19-21-00003-P	05/12/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-19-21-00004-P	05/12/22	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-21-00005-P	05/12/22	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
COMMISSIONER OF PILOTS, BOARD OF			
COP-12-21-00001-P	03/24/22	Updating the current website address; changing terminology regarding credentials and; changing age range for acceptance	To provide current information and allow for a more practical admission procedure reflecting modern reality
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
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	07/24/21	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	07/24/21	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
*EDU-20-20-00008-ERP	08/18/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00001-EP	02/24/22	Providing Flexibility Relating to Higher Education Regulatory Requirements in Response to the COVID-19 Crisis	To provide flexibility for certain higher education related regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-P	02/24/22	The Definition of the Term “University”	To clarify and broaden the definition of the term “university”
EDU-13-21-00011-EP	03/31/22	Licensure requirements for Land Surveyors	Adding and amending licensure requirements for Land Surveyors
EDU-13-21-00012-P	03/31/22	Renaming the Languages Other Than English (LOTE) learning standards to “World Languages”	To rename the LOTE learning standards to “World Languages” and corresponding changes to the certificate title and tenure titles
EDU-13-21-00013-P	03/31/22	Eligibility of School Psychology Candidates for the Internship Certificate	To allow candidates enrolled in registered school psychology programs to be eligible for the Internship certificate
EDU-13-21-00014-EP	03/31/22	Addressing the COVID-19 Crisis	To provide regulatory flexibility in response to the COVID-19 crisis
EDU-17-21-00009-EP	04/28/22	Including Emergency Protocols in District-Wide School Safety Plans	To implement Chapter 168 of the Laws of 2020, as amended by Chapter 30 of the Laws of 2021
EDU-17-21-00010-EP	04/28/22	Students’ Eligibility to Participate in Interscholastic Competition Until the Conclusion of the Interscholastic Spring Season	To ensure that eligible students are able to complete their interscholastic athletic spring season the year they graduate
EDU-17-21-00011-P	04/28/22	Education Law 310 Appeals to the Commissioner and Initiation Conduct of Proceedings for the Removal of School Officers	To make technical changes and other clarifying amendments to section 310 appeal procedures and requirements
EDU-17-21-00012-EP	04/28/22	Extending the edTPA Safety Net in Response to the COVID-19 Crisis	To extend the edTPA safety net in response to the COVID-19 crisis
EDU-21-21-00006-P	05/26/22	Civic Readiness Pathway to Graduation and the New York State Seal of Civic Readiness	To establish the civic readiness pathway to graduation and the New York State Seal of Civic Readiness
EDU-21-21-00007-EP	05/26/22	Providing flexibility for hands-only CPR instruction, the NYS Seal of Biliteracy, and health examinations and certificates	To provide regulatory flexibility in response to the COVID-19 crisis
EDU-21-21-00008-P	05/26/22	Requirements for Chiropractic Education Programs and Education Requirements for Licensure as a Chiropractor	To conform the Commissioner’s regulations to national education standards for postsecondary education
EDU-21-21-00009-P	05/26/22	School Counselor Bilingual & Supplementary Bilingual Education Extension & Registration Requirements	To create the bilingual education extension, supplementary bilingual education extension, and registration requirements for programs leading to the bilingual education extension for initial and professional school counselor certificates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-21-21-00010-P	05/26/22	Adding the Doctor of Business Administration (D.B.A.) Degree and Master of Theological Studies (M.T.S.) Degree in New York State	To add the D.B.A. degree and M.T.S. degree in New York State
ELECTIONS, STATE BOARD OF			
SBE-13-21-00015-P	03/31/22	Implementation of Cyber Security Requirements for Local Boards of Elections	Requires that that every county board of elections adhere to a minimum level of cyber-security standards
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-01-21-00003-ERP	01/06/22	Regulations governing recreational fishing for striped bass	To require circle hooks when fishing recreationally for striped bass using bait
ENV-03-21-00010-P	03/23/22	Application of Site-Specific Criteria to Class I and Class SD Waters	Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses
ENV-04-21-00007-P	03/30/22	Chlorpyrifos prohibition	Prohibit distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos
ENV-04-21-00008-P	04/07/22	Food Donation and Food Scraps Recycling	Required by Title 22 of Article 27, the rule increases food donation and the recycling of food scraps through composting
ENV-12-21-00004-P	03/24/22	Public use of Wildlife Management Areas, and areas with special regulations	To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-19-21-00001-P	07/20/22	Set monitoring, operational and reporting requirements for the oil and natural gas sector	Reduce emissions of methane and volatile organic compounds from the oil and natural gas sector
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-43-19-00017-RP	07/28/21	Independent Dispute Resolution for Emergency Services and Surpsise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-09-21-00010-P	03/03/22	Notice to Employees Concerning Termination of Group and Health Insurance Policies, etc.	To make technical changes; comport with statutes; update office addresses; correct citations; etc.
DFS-13-21-00001-P	03/31/22	Enterprise Risk Management and Own Risk and Solvency Assessment	To require an entity subject to the rule to describe its ERM function in its enterprise risk report, among other things
DFS-14-21-00007-P	04/07/22	Public Adjusters	To update the rule regarding public adjusters, including to conform to Chapter 546 of the Laws of 2013
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-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
SGC-09-21-00014-P	03/03/22	Lasix administrations on race day	To enhance the safety and integrity of pari-mutuel racing
SGC-17-21-00001-P	04/28/22	Time, place and manner of Powerball drawings	To provide that the time, place and manner of Powerball drawings will be as authorized by the Multi-State Lottery Association
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	07/24/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-46-19-00003-P	07/24/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	07/24/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
*HLT-51-19-00001-P	07/24/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
*HLT-04-20-00003-RP	10/22/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
*HLT-11-20-00003-P	07/24/21	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	07/24/21	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

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HEALTH, DEPARTMENT OF			
HLT-28-20-00019-RP	07/24/21	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-45-20-00002-RP	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-07-21-00012-P	02/17/22	Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation	To amend rate methodologies limiting payments to IRA providers to conform to provisions in approved waiver
HLT-09-21-00009-EP	03/03/22	Surrogacy Programs and Assisted Reproduction Service Providers	To license and regulate surrogacy programs
HLT-19-21-00002-EP	05/12/22	Meeting Space in Transitional Adult Homes	Establish criteria for suitable meeting space to ensure privacy in conversations and submit a compliance plan to the Department
HLT-22-21-00003-P	06/02/22	Reducing Biannual Testing of Adult Care Facility Staff	To remove the requirement for biannual testing of adult care workers
HLT-22-21-00004-P	06/02/22	Hospice Residence Rates	To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent
HLT-22-21-00005-P	06/02/22	Stroke Services	Amend transition period for existing stroke centers to allow the Dept. to extend the three year transition period, if necessary
HLT-22-21-00009-P	06/02/22	Managed Care Organizations (MCOs)	To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP & HARP programs
HLT-22-21-00010-P	06/02/22	Labeling Requirements Concerning Vent-Free Gas Space Heating Appliances	To adjust the current labeling requirements for unvented gas space heating appliances
HUMAN RIGHTS, DIVISION OF			
HRT-15-21-00005-P	04/14/22	Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities	To comply with the requirements of Executive Law section 170-d
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-21-21-00002-P	05/26/22	Records access	To update regulations governing records access

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LABOR, DEPARTMENT OF			
*LAB-46-19-00004-P	07/24/21	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
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
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
LIQUOR AUTHORITY, STATE			
LQR-12-21-00005-P	06/09/22	Minimum curriculum requirements for ATAP schools	To add information regarding sexual violence prevention to minimum curriculum requirements for ATAP schools
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts

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LONG ISLAND POWER AUTHORITY			
LPA-37-20-00013-EP exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-14-21-00010-P	..... exempt	To increase participation in the NYSEDA GJGNY On-Bill Loan Installment program	To provide low-cost on-bill financing for customers investing in energy efficiency, DERs, and beneficial electrification
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-09-21-00001-EP	..... 03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
OMH-15-21-00001-EP	..... 04/14/22	Residential treatment facility leave of absence	Update requirements for leave of absence in RTFs; Implement State Plan Amendments effective 7/1/18 (attachment 4.16C (pg 2 & 3))
OMH-20-21-00006-P	..... 05/19/22	Establishment of Youth Assertive Community Treatment (ACT)	To include children in the populations eligible to receive ACT and other conforming changes
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
MTA-16-21-00004-EP	..... 04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
MOTOR VEHICLES, DEPARTMENT OF			
MTV-21-21-00001-P	..... 05/26/22	Dealer Document Fee	Raises the dealer document fee from \$75 to \$175

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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-12-21-00007-P	03/24/22	Repeal and amendment to outdated rate regulations	Repeal and amendment to outdated rate regulations
PDD-15-21-00002-EP	04/14/22	Billing for Day Program Duration	To allow providers of day hab and site-based prevocational services to bill for day program duration with greater flexibility
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition’s petition	To consider the Connect New York Coalition’s petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards.	To consider revisions to the Commission’s Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison’s low income program to include Medicaid recipients.	Whether to expand Con Edison’s low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*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-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-21-20-00008-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-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-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
PSC-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-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-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-38-20-00004-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-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-40-20-00006-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-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 Conring's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues).
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-42-20-00008-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-44-20-00007-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.
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-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-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.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-49-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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-51-20-00009-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-51-20-00014-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-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-01-21-00006-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-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.
PSC-03-21-00006-P	..... exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-03-21-00007-P	..... exempt	Waiver of certain rules, i.e., 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	..... exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.
PSC-04-21-00020-P	..... exempt	NFG's Implementation Plan and audit recommendations.	To consider to implement the management audit recommendations.
PSC-05-21-00004-P	..... exempt	Alternative proposal for net crediting billing.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-05-21-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00007-P	..... exempt	Petition to amend bill estimation procedures.	To consider the petition of Central Hudson Gas & Electric Corporation to amend its current bill estimation procedures.
PSC-05-21-00008-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-05-21-00012-P	..... exempt	The electric utilities' 2021 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2021 Electric Emergency Response Plans.
PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-06-21-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-21-00005-P	..... exempt	Staff Whitepaper recommending modifications to the utility's energy affordability program.	To consider updates and enhancements to the utility's low-income energy affordability program.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-08-21-00003-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if National Grid should use a ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-08-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00003-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-09-21-00007-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-10-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-10-21-00008-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-10-21-00009-P	..... exempt	Gas Demand Response Pilot Program.	To provide promote natural gas system reliability by encouraging reductions of natural gas demand during peak gas demand days.
PSC-11-21-00003-P	..... exempt	NYSEG and RG&E's petition for a waiver of its customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-21-00004-P	..... exempt	Pre-authorization to transfer certain cyber-security related equipment to other utilities participating in the CMA program.	To enhance the reliability of the energy system by enabling transfers of certain equipment to other participating utilities.
PSC-11-21-00005-P	..... exempt	Petition concerning tariff amendments regarding billing of transformer losses.	To ensure that the National Grid tariff contains appropriate provisions for the billing of transformer losses.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-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-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding.	To ensure the appropriate use of funding reserved for gas safety programs.
PSC-13-21-00017-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW energy storage facility.
PSC-13-21-00018-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-13-21-00019-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00021-P	..... exempt	Headroom analyses of local transmission and distribution system to support additional renewable energy generation.	To support distribution and local transmission investments necessary to achieve the the State's climate goals.
PSC-13-21-00022-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-21-00023-P	..... exempt	Petition for the use of steam metering equipment.	To ensure that consumer bills are based on accurate measurements of steam usage.
PSC-14-21-00003-P	..... 04/07/22	More specific requirements for Operator Qualification to work on pipelines. Allows applications for "special permits."	To make the provision of natural gas service safer in New York State with better qualified pipeline workers.
PSC-14-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-14-21-00009-P	..... exempt	Tariff amendments regarding the Clean Energy Standard Supply Surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00006-P	..... exempt	Proposed sale of the Company's stock to the Buyers.	To determine if sale of the Company's stock to the Buyers is in the public interest.
PSC-15-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-21-00008-P	..... exempt	Transfer easement of transmission right-of-way.	To consider the proposed easement and the proper accounting treatment.
PSC-15-21-00009-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00010-P	..... exempt	Proposed filing to account for the acquisition of DTI by EGTS.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-15-21-00011-P	..... exempt	Tariff rate modifications for net metered distributed energy resources.	To implement just and reasonable rates for distributed energy resources.
PSC-16-21-00005-P	..... exempt	Tier 2 Maintenance Tier Program of the Renewable Energy Standard.	To promote and maintain renewable electric energy resources.
PSC-16-21-00006-P	..... exempt	The appropriate level of community credit capacity for distributed energy generation projects in the territory.	Consideration of an increase in the community credit capacity for distributed generation projects in the territory.
PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource.	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies.
PSC-16-21-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-16-21-00009-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-16-21-00010-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-16-21-00011-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-17-21-00002-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-17-21-00003-P	..... exempt	Notice of intent to submeter electricity and waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-17-21-00004-P	..... exempt	Waiver of tariff rules.	To consider whether a waiver of tariff rules is just and reasonable and in the public interest.
PSC-17-21-00005-P	..... exempt	Submetering equipment.	To consider use of submetering equipment and if it is in the public interest.
PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation.	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation.
PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities.	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-17-21-00008-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, refinancing of maturing debt.
PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs.	To modify and improve Community Choice Aggregation programs in New York State.
PSC-18-21-00005-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00007-P	..... exempt	System modernization tracker (SMT) recovery period amendment.	To determine whether to extend the recovery period associated with the SMT's leak prone pipe replacement costs.
PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00006-EP	..... exempt	Waiver of a tariff rule.	To financially assist customers in a time of hardship.
PSC-19-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	..... exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00010-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-19-21-00011-P	..... exempt	Debt financing arrangement.	To review the proposed financing and consider whether authorization is within the public interest.
PSC-19-21-00012-P	..... exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-19-21-00013-P	..... exempt	The proposed transfer of ownership interests and debt financing arrangement related to certain electric generating facilities.	To determine whether the proposed transfer of ownership interests and financing arrangement are in the public interest.
PSC-20-21-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-21-00013-P	..... exempt	The Competitive Tier 2 program adopted in the Commission's Order Adopting Modifications to the Clean Energy Standard.	To determine the process for the resale of environmental attributes procured under the Competitive Tier 2 program.
PSC-21-21-00014-P	..... exempt	Transfer of excess development rights associated with utility property.	To determine whether to authorize the transfer of excess development rights associated with utility property.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00016-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00017-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00018-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-21-00020-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-22-21-00007-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 7.6 mile, 13 kV AC electric cable.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
STATE, DEPARTMENT OF			
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-05-21-00013-P	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-12-21-00010-P	..... 05/27/22	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add specific provisions applicable to rail stations
DOS-13-21-00025-P	..... 03/31/22	Successor in interest registrations under the Right of Publicity law	To establish the fee and verification requirements to file a claim under the Right of Publicity law
DOS-19-21-00014-P	..... 07/15/22	Minimum standards for administration and enforcement of the Uniform Code and Energy Code	To revise the minimum standards applicable to a program for administration and enforcement of the Uniform Code and Energy Code

Action Pending Index**NYS Register/June 2, 2021**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
*SUN-53-19-00005-P	07/24/21	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	07/24/21	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	07/24/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020
SUN-11-21-00006-EP	03/17/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
SUN-17-21-00014-EP	04/28/22	Holiday Leave	To designate Juneteenth as a holiday for SUNY employees
SUN-17-21-00015-EP	04/28/22	Appointment of Employees; Eligibility	To allow for the addition of one year to the service limits for faculty hired between May 20, 2020 - June 30, 2021
SUN-20-21-00005-EP	05/19/22	State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY	To modify limitations formula for basic State financial assistance and establish a funding floor
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-21-21-00005-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 July 1, 2021 through September 30, 2021
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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
TDA-13-21-00010-P	03/31/22	Establishment of parentage	To amend state regulations for the establishment of paternity to reflect federal and recently-enacted state statutory requirements, to coordinate and update terminology used by the Child Support Program, and to conform regulatory citations with state laws

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TRANSPORTATION, DEPARTMENT OF			
TRN-14-21-00004-P	04/07/22	Regulation of commercial motor carriers in New York State	The rule making updates Title 49 CFR provisions incorporated by reference pursuant to regulation of commercial motor carriers
WORKERS' COMPENSATION BOARD			
WCB-28-20-00003-EP	07/24/21	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-RP	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-06-21-00013-P	02/10/22	Medical Treatment Guidelines	To update back, neck, shoulder, knee, and NAP MTGs
WCB-10-21-00006-P	03/10/22	Direct Deposit of compensation payments	To implement the statute requiring direct deposit be available for certain compensation payments
WCB-13-21-00002-EP	03/31/22	Ambulatory surgery services fees	To update fees for ambulatory surgery services fees, especially due to the COVID-19 pandemic
WCB-13-21-00003-EP	03/31/22	Designated contact information	To provide a compliance date for carriers, self-insured employers, or TPAs to designate points of contact in the PAR process
WCB-13-21-00004-EP	03/31/22	Notice as required for compliance with the Formulary	To provide a compliance date for carriers, self-insured employers, or TPAs to provide notice as required by 12 NYCRR 441.3(f)
WCB-13-21-00009-P	03/31/22	Updating the prescription drug formulary prior authorization process	To include medical marijuana in the prior authorization process
WCB-15-21-00003-P	04/14/22	Medical Treatment Guidelines	To update the NAP MTGs
WCB-21-21-00011-P	05/26/22	PFL intermittent leave	To clarify the number of intermittent leave days eligible employees can take

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

604-620 Oak Avenue LLC
604-620 Oak Ave., Springdale, AR 72764
State or country in which incorporated — Arkansas

6720 Oakwood LLC
1570 Indian Creek Rd., Marion, IA 52302
State or country in which incorporated — Delaware

Art's Cafe Community Owners, LLC
37 N. Buffalo St., Springville, NY 14141
State or country in which incorporated — New York limited liability
company

Cambridge 303 LLC
633 E. Fernhurst Dr., Suite 1201, Katy, TX 77450
State or country in which incorporated — Texas

Charles Schwab & Co., Inc.
101 Montgomery St., San Francisco, CA 94104
State or country in which incorporated — Massachusetts

Crossways SPE LLC
16150 SW. Upper Boones Ferry Rd., Portland, OR 97224
State or country in which incorporated — Delaware

CSW Arbour Square V Huntingdon Valley, LP
c/o Capital Solutions, Inc., 910 Harvest Dr., Suite 105, Blue Bell, PA
19422

Lenovo Group Limited
Lincoln House, 23rd Fl., Taikoo Place, 979 King's Rd., Quarry Bay,
HongKong
State or country in which incorporated — Hong Kong

Timberstone, LLC
106 Church St., Fl. 3, Charleston, SC 29401
State or country in which incorporated — North Carolina

Volastra Therapeutics, Inc.
1361 Amsterdam Ave., Suite 520, New York, NY 10027
State or country in which incorporated — Delaware

Wearable Health Solutions, Inc.
2300 Yonge St., Suite 1600, ON, M4P 1E4 Canada

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOFS

Bedford Hills Correctional Facility
Bedford Hills, Westchester County

Sealed bids for Project No 45152-C, comprising a contract for Construction Work, Replace Roofs, Buildings 1, 2, 4 & 110B, Bedford Hills Correctional Facility, 247 Harris Rd, Bedford Hills (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 Correctional Services, until 2:00 p.m. on Wednesday, June 9, 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 \$55,600 for C).

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

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 Lewycky, Acting 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 to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

The substantial completion date for this project is 329 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

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

REHABILITATE
TOWERS 12, 13, 14, 15, 16, 17 & 18
Sing Sing Correctional Facility
Ossining, Westchester County

Sealed bids for Project No. 45401-C, 45401-E, 45401-H, and 45401-P comprising separate contracts for Construction Work, Electrical Work, HVAC Work and Plumbing Work, Rehabilitate Towers 12, 13, 14, 15, 16, 17 & 18, Sing Sing Correctional Facility, 354 Hunter Street, Ossining (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 Correctional Services, until 2:00 p.m. on Wednesday, June 9, 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 \$115,400 for C, \$50,200 for E, \$18,000 for H and \$22,300 for P).

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 \$4,000,000 and \$5,000,000 for C, between \$1,000,000 and \$2,000,000 for E, between \$100,000 and \$250,000 for H and between \$250,000 and \$500,000 for P.

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, Acting 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 to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

The substantial completion date for this project is 1095 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be on May 25th, 2021 at either 7:00am, 9:00am or 1:30pm at the OGS Field Office Parking Lot, 130 State Street Ossining, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 – Supplementary Instructions to Bidders - Pre-Bid Site Visit for additional requirements.

Phone the office of Allison Krebs-Fogel, (914-941-1122) a minimum of 7 days in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 7 days in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work, 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 and HVAC Work, and an overall goal of 14% for MWBE participation, 7% for Minority-Owned Business Enterprises ("MBE") participation and 7% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

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

**REPLACE/UPGRADE
TOILETS/FLUSHOMETERS/WIRING
Eastern Correctional Facility
Napanoch, Ulster County**

Sealed bids for Project Nos. 45818-C, 45818-P and 45818-E, comprising separate contracts for Construction Work, Plumbing Work, and Electrical Work, Replace Toilets and Flushometers, Buildings 3 & 4 and Upgrade Wiring Building 3, Eastern Correctional Facility, 30 Institution Road, Napanoch (Ulster 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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, June 16, 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 \$79,400 for C, \$192,200 for P, and \$189,600 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 \$2,000,000 and \$3,000,000 for C, between \$7,000,000 and \$8,000,000 for P, and between \$7,000,000 and \$8,000,000 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, Acting 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 to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

The substantial completion date for this project is 1,087 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the P trade contractor, and 6% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

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

**REPLACE
COOLING LOOP PIPING
Elmira Psychiatric Center
Elmira, Chemung County**

Sealed bids for Project Nos. 45935-H and 45935-E, comprising separate contracts for HVAC Work, and Electrical Work, Replace

Cooling Loop Piping, Buildings 1 – 9, Elmira Psychiatric Center, 100 Washington Street, Elmira (Chemung County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, June 16, 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 \$70,400 for H, and \$10,100 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 H, and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff, unless it is a contract 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, Acting 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 to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

The substantial completion date for this project is 300 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

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 20% for MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 10% for

Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work and 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. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 3% for the E trade contractor, and 3% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction’s plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

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

**PROVIDE
STATION BUILDING
NYS Police Fredonia
Dunkirk, Chautauqua County**

Sealed bids for Project Nos. 46062-C, 46062-H, 46062-P and 46062-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Station Building, NYS Police Fredonia, 1081 Main Street, Dunkirk (Chautauqua 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 New York State Police, until 2:00 p.m. on Wednesday, June 16, 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 \$71,400 for C, \$17,700 for H, \$16,400 for P, and \$25,800 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, between \$100,000 and \$250,000 for H, between \$100,000 and \$250,000 for P, and between \$500,000 and \$1,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is

restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862, and John Lewycky, Acting 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 to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

The substantial completion date for this project is 483 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and HVAC Work, and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises (“MBE”) participation and 10% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work and Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS

hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction’s plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

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

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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

2021 Consolidated Funding Application

NOTICE OF AVAILABILITY **2021 Consolidated Funding Application**

Through the New York State Consolidated Funding Application (CFA), a single application for multiple sources of state funding, New York State is soliciting applications for funding to advance the priorities of the Regional Economic Development Councils (REDC).

This announcement is meant to provide a general overview of the programs included in this year's REDC/CFA Round and does not contain all program requirements and guidelines. Full solicitations, application materials, and program webinars are available online at <http://regionalcouncils.ny.gov>. The funding solicitation opened on Monday, May 10, 2021 and applications will be accepted through the CFA until 4:00 pm on Friday, July 30, 2021 for programs subject to this deadline as outlined in the Available Resources section.

This year, there are over 30 programs available through 9 state agencies, including Empire State Development; NYS Canal Corporation; NYS Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; New York Power Authority; Office of Parks, Recreation and Historic Preservation; Department of State; and Department of Environmental Conservation. In an effort to provide the most appropriate state resources through this process, participating agencies will be able to review and potentially provide funding to a project that did not specifically apply to that program, if the materials submitted at time of application satisfy the requirements for that program and allow for fair review under the circumstances. In addition, all programs contained in this document will use regional distribution standards to ensure projects are funded throughout the state.

For more information or questions regarding the CFA, please contact the appropriate Empire State Development Regional Office covering the project area: <https://esd.ny.gov/regions>.

Funding is available through the following programs

2021 Available Resources

Programs subject to the 4:00 PM July 30 Deadline

Empire State Development: Up to \$29.5 million

- Up to \$2 million for Strategic Planning and Feasibility Studies
- Up to \$15 million for Market New York
- Up to \$12.5 million for Business Incubator & Innovation Hot Spot Support Program

Homes and Community Renewal: Up to \$26.2 million

- Up to \$20 million for New York State Community Development Block Grant Program
- Up to \$6.2 million for New York Main Street Program

Office of Parks, Recreation and Historic Preservation: Up to \$21.4 million

- Up to \$19.5 million for Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF)
- Up to \$1.9 million for Recreational Trails Program

Department of State: Up to \$36.25 million

- Up to \$27.75 million for the Local Waterfront Revitalization Program
- Up to \$3.5 million for the Brownfield Opportunity Area Program
- Up to \$1 million for the Smart Growth Comprehensive Planning Grant Program
- Up to \$4 million for Local Government Efficiency Program

New York State Canal Corporation: Up to \$1 million

- Up to \$1 million for the Canalway Grants Program

New York State Energy Research and Development Authority: Up to \$30 million

- Up to \$15 million for Carbon Neutral Economic Development Program
- Up to \$15 million for Commercial and Industrial (C&I) Carbon Challenge

Department of Environmental Conservation: Up to \$79 million

- Up to \$11 million for the Climate Smart Communities Grant Program
- Up to \$65 million for the Water Quality Improvement Project (WQIP) Program
- Up to \$3 million for the Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant Program

Environmental Facilities Corporation: Up to \$17.5 million

- Up to \$15 million for the Green Innovation Grant Program
- Up to \$2.5 million for NYS EFC Wastewater Infrastructure Engineering Planning Grant Program

Open Enrollment Programs

Empire State Development: Up to \$225 million

- Up to \$150 million for ESD Grant Funds
- Up to \$75 million for Excelsior Jobs Program

New York State Energy Research and Development Authority: Up to \$3 million

- Up to \$3 million for Energy Efficiency Programs

New York State Power Authority: Up to 22 Megawatts

- Up to 22 Megawatts for the ReCharge NY Program

Federal Industrial Development Bond Cap: Up to \$300 million

- Up to \$300 million for Industrial Development Bond Cap (IDBC)

Open Enrollment programs will continue to accept applications on an ongoing basis and are not subject to the July 30 deadline

Empire State Development

Empire State Development Grant Funds

Funding Available: Up to \$150 million

DESCRIPTION:

ESD has \$150 million of capital grant funding from the Regional Council Capital Fund available for the State's Regional Economic Development Council Initiative, which helps drive regional and local economic development across New York State in cooperation with ten Regional Economic Development Councils ("Regional Councils").

Capital grant funding is available for capital-based economic development projects intended to create or retain jobs; prevent, reduce or eliminate unemployment and underemployment; and/or increase business or economic activity in a community or Region.

Grant funding will be allocated among the ten regions, each represented by a Regional Council. Funding decisions will be based on each Regional Council's development and implementation of a five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision, coupled with New York State's economic growth priorities. Funding will be allocated to projects, including priority projects identified by the Regional Councils, identified as significant, regionally supported and capable of stimulating economic investment.

In addition, special consideration shall be given to projects supporting the Downtown Revitalization Initiative and Strategic Community Investment, Improving Access to Child Care, and Environmental Justice.

Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion.

ELIGIBLE TYPES OF APPLICANTS:

Eligible Applicants include but are not limited to: for-profit businesses, not-for-profit corporations*, business improvement districts, local development corporations, public benefit corporations (including industrial development agencies), economic development organizations, research and academic institutions, incubators, technology parks, municipalities, counties, regional planning councils, tourist attractions and community facilities.

* If awarded funding, prior to ESD Directors' approval and execution of a contract with ESD, a not-for-profit corporation must be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau and the New York State Office of the State Comptroller's VendRep System and must be prequalified in the New York State Grants Gateway.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Applicants applying for ESD Grant Funds should clearly describe the scope and budget for the "project" for which funds are being requested. For example, an Applicant may be planning a larger project that would include multiple phases, such as in the case of a major infrastructure project or redevelopment of a specific geographic area. However, the "project" for which funds are being requested via the CFA might consist of only one phase of the larger project. In such situations, the request for ESD Grant funds should be specific to the phase, NOT the overall multi-phase project.

Assistance generally falls into three categories:

1. Strategic Community Development Investment:**2. Business Investment:****3. Economic Growth Investment:****GRANT FUNDS MAY BE USED FOR:**

- Acquisition of land, buildings, machinery and/or equipment;
- Demolition and environmental remediation;
- New construction, renovation or leasehold improvements;
- Acquisition of furniture and fixtures;
- Soft costs of up to twenty-five percent (25%) of total project costs; and
- Planning and feasibility studies related to a specific capital project or site.

INELIGIBLE ACTIVITIES:

The following types of expenses may be included in budgets but shall not be eligible for reimbursement by grant funds:

- Developer fees;
- Training;
- Residential development, although program funds may only be used for the commercial component of a mixed-use project; and
- Block grant projects or revolving loan funds

SUCCESSFUL APPLICANT REQUIREMENTS:

Awards are offered as an incentive to undertake a project. Therefore, the project should not begin, and expenses should not be incurred, before funding awards have been announced. Expenses incurred prior to submission of a CFA should not be included in CFA project budgets, nor should expenses that will be incurred after submission of a CFA but prior to an award announcement.

The amount of an award from ESD is based on a number of factors including, but not limited to, the project's alignment with the state and regional priorities, as well as the potential for direct and indirect job creation, direct and indirect fiscal benefit to the state and local governments, overall economic activity, community development and private investment. Generally, applicants should not apply for, nor will be considered for, more than twenty percent (20%) of the financing for any particular project based on the eligible total project cost. Typically, awards will be less than 20% of the eligible total project cost and the likelihood of winning an award improves as the percentage of ESD assistance is reduced and private investment or other sources are better leveraged. Exceptions to this limit may be made at the sole discretion of ESD in cases where it is found that a project or projects will have an unusual or extraordinary regional or statewide impact.

ESD requires that the Applicant contribute a minimum of ten percent (10%) of the total project cost in the form of equity contributed after the Applicant's acceptance of ESD's incentive proposal. Equity is defined as cash injected into the project by the Applicant or by investors and should be auditable through the Applicant's financial statements or accounts, if so requested by ESD. Equity cannot be borrowed money secured by the assets in the project or grants from a government source.

The Applicant must always disclose whether it is pursuing or intends to pursue multiple ESD funding sources, including grants, loans and tax incentives.

ADDITIONAL RESOURCES:

For more information, eligible Applicants should contact the local Empire State Development Regional Office. A complete list of the ESD Regional Offices can be found at <http://esd.ny.gov/RegionalOverviews.html>

Excelsior Jobs Program

Funding Available: Up to \$75 million

DESCRIPTION: The Excelsior Jobs Program, established in Chapter 59 of the Laws of 2010, provides job creation and investment incentives to firms in targeted industries such as biotechnology, pharmaceutical, high-tech, clean-technology, green technology, financial services, agriculture and manufacturing, not inclusive. Firms in these industries that create and maintain net new jobs or make significant financial investment are eligible to apply for up to five tax credits. The Program encourages businesses to expand in and relocate to New York while maintaining strict accountability standards to guarantee that businesses deliver on job and investment commitments.

Firms in the Excelsior Jobs Program may qualify for five, fully refundable tax credits. Businesses claim the credits over a multi-year period. To earn any of the following credits, firms must first meet and maintain the established job and investment thresholds.

Effective April 3, 2020 an enhanced tax credit was introduced for "green projects" operating in strategic industries inclusive of agriculture, manufacturing, software development, and scientific research and development.

A "green project" means a project that makes products or develops technologies that are primarily aimed at reducing greenhouse gas emissions or supporting the use of clean energy.

"Green project" shall include, but not be limited to, the manufacture or development of products or technologies or supply chain components primarily for renewable energy systems as defined in section sixty-six-p of the public service law, vehicles that use non-hydrocarbon fuels and produce zero or near zero emissions, heat pumps, energy efficiency, clean energy storage and other products that significantly reduce greenhouse gas emissions by minimizing the utilization of depletable resources or by improving industrial efficiency.

"Green project" shall not include a project primarily composed of (i) necessarily local activities such as retail, building construction, or the deployment or adoption of an energy product or technology at an end user's site, or (ii) the production of products or development of technologies that would produce only marginal and incremental energy savings or environmental benefits ancillary to the core function of the product or technology.

Effective with the passing of the 2021-2022 budget an enhanced childcare investment tax credit and childcare services tax credit component were introduced for childcare expenses for projects operating in a qualified strategic industry.

"Childcare services" means those services undertaken or sponsored by a participant in this program meeting the requirements of "child day care" as defined in paragraph (a) of subdivision one of section three hundred ninety of the social services law or any child care services in the city of New York whereby a permit to operate such childcare services is required pursuant to the health code of the city of New York.

"Net new childcare services expenditures" means the calculation of new, annual participant expenditures on childcare services whether internal or provided by a third party (including

coverage for full or partial discount of employee rates), minus any revenues received by the participant through a third-party operator (i.e. rent paid to the participant by the childcare provider) or employees and may be further defined by the commissioner in regulations. For the purposes of this definition, expenditures for childcare services that a participant has incurred prior to admission to this program shall not be eligible for the credit.

The Excelsior Jobs Tax Credit:

- o A credit of up to 6.85 percent of wages per new job to cover a portion of the associated payroll cost
- o For "green projects" a credit of up to 7.5 percent of wages

The Excelsior Investment Tax Credit:

- o Valued at two percent of qualified investments
- o For "green projects", a credit valued at 5 percent of qualified investments
- o For investments in child care a credit up to 5 percent of qualified investments

The Excelsior Research and Development Tax Credit:

- o A credit of 50 percent of the Federal Research and Development credit up to 6 percent of eligible research expenditures in NYS
- o For "green projects" a credit of 50 percent of the Federal Research and Development credit up to 8 percent of eligible research expenditures in NYS

The Excelsior Real Property Tax Credit:

- o Available to firms locating in certain distressed areas and to firms in targeted industries that meet higher employment and investment thresholds (Regionally Significant Project).

The Excelsior Childcare Services Tax Credit:

- o A credit of up to 6 percent of net new childcare services expenditures for the operation, sponsorship or direct financial support of a childcare services program

ELIGIBLE TYPES OF APPLICANTS: For-profit business entities including corporations, limited liability companies, partnerships, sole proprietorships

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Agriculture: agricultural production (establishments performing the complete farm or ranch operation, such as farm owner-operators, tenant farm operators, and sharecroppers) and agricultural support (establishments that perform one or more activities associated with farm operation, such as soil preparation, planting, harvesting, and management, on a contract or fee basis)

Back Office Operations: a business function that may include one or more of the following activities: customer service, information technology and data processing, human resources, accounting and related administrative functions

Distribution Center: a large-scale facility involving processing, repackaging and/or movement of finished or semi-finished goods to retail locations across a multi-state area.

Entertainment Company: means a corporation, partnership, limited partnership, or other entity principally engaged in the production or post production of (i) motion pictures, which shall include feature-length films and television films, (ii) instructional videos, (iii) televised commercial

advertisements, (iV) animated films or cartoons, (V) music videos, (Vi) television programs, which shall include, but not be limited to, television series, television pilots, and single television episodes, or (VII) programs primarily intended for radio broadcast. Entertainment Company shall not include an entity (I) principally engaged in the live performance of events, including, but not limited to, theatrical productions, concerts, circuses, and sporting events, (II) principally engaged in the production of content intended primarily for industrial, corporate or institutional end-users, (III) principally engaged in the production of fundraising films or programs, or (iV) engaged in the production of content for which records are required under section 2257 of Title 18, United States Code, to be maintained with respect to any performer in such production.

Financial Services: "Financial services data centers or financial services customer back office operations" means operations that manage the data or accounts of existing customers or provide product or service information and support to customers of financial services companies, including banks, other lenders, securities and commodities brokers and dealers, investment banks, portfolio managers, trust offices, and insurance companies.

Life Sciences: means agricultural biotechnology, biogenetics, bioinformatics, biomedical engineering, biopharmaceuticals, academic medical centers, biotechnology, chemical synthesis, image analysis, marine biology, medical devices, medical nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research, medical and neurological clinical trials, health robotics and veterinary science

Manufacturing: the process of working raw materials into products suitable for use or which gives new shapes, new quality or new combinations to matter which has already gone through some artificial process by the use of machinery, tools, appliances, or other similar equipment. "Manufacturing" does not include an operation that involves only the assembly of components, provided, however, the assembly of motor vehicles or other high value-added products shall be considered manufacturing.

Music Production: means the process of creating sound recordings of at least eight minutes, recorded in professional sound studios, intended for commercial release. Music Production does not include recording of live concerts, or recordings that are primarily spoken word or wildlife or nature sounds or produced for instructional use or advertising or promotional purposes

Scientific Research and Development: conducting research and experimental development in the physical, engineering, and life sciences, including but not limited to agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects. For the purposes of this article, scientific research and development does not include medical or veterinary laboratory testing facilities.

Software Development: the creation of coded computer instructions and includes new media: the application of information technology to traditional communications outlets, particularly through interactive modes such as the Internet, including video games, web search portals, interactive web-based content, and interactive advertising.

INELIGIBLE ACTIVITIES: A not-for-profit business entity, a business entity whose primary function is the provision of services including personal services, business services, or the provision of utilities, a business entity engaged predominantly in the retail or entertainment industry, other than a business operating as an entertainment company as defined as defined above or a business entity engaged in music production, and a business entity engaged in the generation or distribution of electricity, the distribution of natural gas, or the production of steam associated with the generation of electricity are not eligible to participate in the program

ADDITIONAL RESOURCES: Program Contact: 518/292-5240
<http://esd.ny.gov/BusinessPrograms/Excelsior.html>

Strategic Planning and Feasibility Studies

Funding Available: Up to \$2 Million

DESCRIPTION

ESD's Urban and Community Development Program promotes economic development in the State of New York by encouraging economic and employment opportunities and stimulating development of communities and urban areas. Total program funding of up to \$2 million is available for working capital grants of up to \$100,000 each to support 1) strategic development plans for a city, county, or municipality or a significant part thereof and 2) feasibility studies for site(s) or facility(ies) assessment and planning. Projects should focus on economic development purposes, and preference shall be given to projects located in highly distressed communities. In addition, special consideration shall be given to projects supporting the Regional Economic Development Council Initiative, the Downtown Revitalization Initiative, and Strategic Community Investment projects. Each grant requires a minimum of 50% of total project costs in matching funds, which should include at least 10% of total project costs in the form of cash equity contributed by the Applicant organization. Funding will be awarded by the New York State Urban Development Corporation (d/b/a Empire State Development) at its discretion.

ELIGIBLE TYPES OF APPLICANTS:

- Cities
- Counties
- Municipalities
- Business Improvement Districts
- Local Development Corporations
- Not-for-profit Economic Development Organizations*

* If awarded funding, prior to ESD Directors' approval and execution of a contract with ESD, a not-for-profit corporation must be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau and the New York State Office of the State Comptroller's VendRep System and must be prequalified in the New York State Grants Gateway.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Assistance is available in the following two categories:

- Preparation and development of strategic development plans for a city, county or municipality or a significant part thereof; and
- Studies, surveys or reports, and feasibility studies and preliminary planning studies to assess a particular site or sites or facility or facilities for any economic development purpose other than residential, though mixed-use facilities with a residential component are allowed.

INELIGIBLE ACTIVITIES: For Site Assessment and Site Planning grants:

- Residential development, although program funds may be used for a study involving a mixed-use project.

ADDITIONAL RESOURCES: For more information, eligible Applicants should contact the local Empire State Development Regional Office. A complete list of the ESD Regional Offices can be found at <http://esd.ny.gov/RegionalOverviews.html>.

Market New York

Funding Available: Up to \$15 Million

Description

Market New York is a grant program established to strengthen tourism and attract visitors to New York State by promoting destinations, attractions and special events. Funding is available for tourism marketing initiatives, capital/construction projects and the recruitment and/or execution of special events, including meetings, conferences, conventions, festivals, agritourism/craft beverage events, athletic competitions and consumer and industry trade shows. The *Market New York* program and each funded proposal will work to support the long-term strategic plans for economic growth as put forth by the Regional Economic Development Councils (REDCs). For the 2021-2022 Fiscal Year, \$15 million is projected to be available through *Market New York*.

Funding is available for eligible projects that will create an economic impact by increasing tourism throughout the state. Grant funding will be allocated among the ten (10) REDC regions, based on each REDC's five-year strategic plan that sets out a comprehensive vision for economic development and specific strategies to implement that vision. REDC strategic plan information can be found at <http://regionalcouncils.ny.gov/>

There are two categories of funding available under *Market New York*, each with varying requirements. \$15 million is projected to be available for the following project categories:

1) Regional Tourism Marketing (Working Capital) - \$7 million (projected):

(only minimum grant requests of \$50,000 or more will be considered, not including grantee match); and

2) Tourism Capital- \$8 million (projected):

(only minimum grant requests of \$150,000 or more will be considered, not including grantee match).

*Applicants with projects that include both marketing and capital expenditures will need to meet the requirements and demonstrate separate matches for both funding tracks and clearly indicate this information in their CFA application. Also, select both capital and working capital in the CFA application when requested.

ESD reserves the rights to grant awards lower than the \$50,000 and/or \$150,000 minimum requested amounts based upon availability of funds available.

ELIGIBILITY REQUIREMENTS

Applicants must complete and submit a Consolidated Funding Application (CFA) which will be reviewed by Empire State Development (ESD) and the REDC. Projects that are statewide or multi-regional will be scored by the REDC where the project is mainly located headquartered, or by the REDC sponsoring the project.

Projects must clearly demonstrate in both the CFA application and the project plan that the project is tourism related. Projects that fail to establish a direct tourism impact will be determined ineligible and will not be scored.

Entities that may apply for funding include not-for-profit corporations, municipalities, Tourism Promotional Agencies (TPAs), public benefit corporations and for-profit companies. **Individuals, SUNY schools and NYS agencies are not eligible to apply for this grant.** Not-for-profit corporations are subject to New York State's Not-For-Profit Corporation Law and must have

proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General and proof of tax-exempt status under the IRS code

Businesses must be certified in New York State. Business that operate in a state other than New York State are required to submit, as part of your application, a Certificate of Authority provided by New York State Department of State.

Note to Not-For-Profit Organizations:

Not-for-profit organizations who are successful in receiving grants must meet the following requirements prior to ESD Directors' approval and execution of a Grant Disbursement Agreement or Loan Agreement: 1) be prequalified in New York State Grants Gateway; 2) be registered and up-to-date with filings with the New York State Office of the Attorney General's Charities Bureau; and 3) be registered and up-to-date with the New York State Office of the State Comptroller's VendRep System. It is strongly advised that all Not-For-Profit organizations register with Grants Gateway upon application.

SIGNIFICANT TOURISM INITIATIVES

Proposed tourism projects that focus on one of the following components will be looked upon favorably:

COVID Impacted Tourism Projects, Events and Businesses

Tourism industry businesses, attractions and organization who have been directly impacted by event cancellations, venue closures and other economic hardships due to the coronavirus.

Projects that market/promote/showcase, on at least a regional basis, New York State's:

- o Unique, world-class destinations and unique special events;
- o Broad array of available activities; and/or
- o Strength in creating family memories through activities including but not limited to outdoor recreation, historic sites and museums, food and drink, festivals and the performing arts.

FUNDING CATEGORY INFORMATION

I. Regional Tourism Marketing (Working Capital)

Up to \$7 million

Only minimum requests of \$50,000 or more will be considered, not including the grantee match. Any grant requests under \$50,000 will be found ineligible and will not be scored.

Applications will be accepted for projects that *Market New York State* regional tourism destinations or attractions. Applicants must demonstrate how the tourism marketing project will promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation or increase spending per visitor.

Successful tourism marketing projects will also complement the goals and strategies of I LOVE NY, namely to make New York State the destination of choice for families looking to create meaningful memories and those elements highlighted above in ***Significant Tourism Initiatives***. Special measurement criteria include: increases in room nights, visitor frequency, visitor spending and length of stay. New York State will employ strategies to achieve these goals including television, digital, out-of-home and other advertising, activations at live events, international marketing, public relations efforts, social media engagement and other initiatives.

*Projects developed collaboratively between businesses and tourism promotion agencies (TPA) will be looked upon favorably.

*Please note that it is strongly suggested that applicants include a **project plan** outlining the specifics of the project, the budget and specifically how the grant funds and the grantee equity will be used as well as any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the Scoring Criteria listed later in these guidelines. The budget in the project plan should reflect the same total project costs indicated in the budget section of the CFA application.*

II. Regional Tourism Capital

Up to \$8 million

(only minimum requests of \$150,000 or more will be considered)

Any grant requests under \$150,000 will be found ineligible and will not be scored

Applications will be accepted for projects that include plans to expand, construct, restore or renovate New York State tourism destinations and attractions. Applicants must demonstrate how the tourism capital project will work to promote and forward the tourism goals of the corresponding REDC's strategic plan, in addition to increased visitation and visitor spending

Successful tourism marketing projects will also complement the goals and strategies of I LOVE NY, namely, to make New York State the destination of choice for families looking to create meaningful memories and those elements highlighted in **Significant Tourism Initiatives**. Special measurement criteria include increases in room nights, visitor frequency, visitor spending and length of stay. New York State will employ strategies to achieve these goals including television, digital, out-of-home and other advertising, activations at live events, international marketing, public relations efforts, social media engagement and other initiatives.

*Projects developed collaboratively between businesses and tourism promotion agencies (TPA) will be looked upon favorably.

Projects that include a hotel (with more than 15 employees) as a principal function and/or a convention center are required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace

*Please note that it is **strongly suggested that applicants include a project plan** outlining the specifics of the project, the budget and specifically how the grant funds and the grantee equity will be used and any other information that the applicant would like to share with the scoring teams. It is also strongly advised that applicants provide information that clearly and specifically addresses the Scoring Criteria listed later in these guidelines. Additionally, the project plan budget should reflect the same expenditures costs and total project costs indicated in the CFA application budget section.*

MORE INFORMATION/ASSITANCE

For more information please contact the New York State Division of Tourism staff at RegionalTourism@esd.ny.gov.

New York State Business Incubator and Innovation Hot Spot Support Program

Funding Available: Up to \$12.5 Million

DESCRIPTION

The New York State Business Incubator and Innovation Hot Spots Support Program were enacted initially as part of the 2013-14 State Budget and will provide significant continued financial support for business incubators in the state. This underscores the importance of business incubation and technology transfer to the Governor's overall economic development strategy.

Business incubation is the process of accelerating the development of entrepreneurial companies through a structured array of business support resources and services targeted to the needs of start-up companies. The business incubator is the entity responsible for organizing and managing these support services.

Empire State Development (ESD) is administering the competitive process for the designation of New York State Business Incubators and New York State Innovation Hot Spots. Applications will be received and reviewed through the Consolidated Funding Application (CFA) process by both the Regional Councils and ESD.

In this competition, ESD anticipates making ten NYS Business Incubator designations and five Innovation Hot Spot designations. ESD anticipates that one Innovation Hot Spot will be designated in each of the following economic development regions: Western NY, the Finger Lakes, the Southern Tier, Central NY, and the North Country.

Awardees will receive operating funds from ESD to expand and create services. Designation as an Innovation Hot Spot brings significant state income and sales tax benefits for the start-up companies within the Hot Spot, for a period of five years. These benefits include:

- Being subject only to fixed dollar minimum tax or able to deduct income attributable to operations as part of Hot Spot, and
- Receiving credit or refund for sales tax on related goods and services.

The goal of the program is to improve the quantity and quality of incubator services provided to young companies, thereby enabling these businesses to successfully transition from start-up phase to larger scale commercialization of their products and services. This was one of the strategies laid out by Governor Cuomo more effectively harness our innovation assets and better serve inventors and entrepreneurs. Importantly, this program will provide ESD with valuable information on the companies which are at the early stage of entry into the state's innovation pipeline. ESD will seek to connect these companies with other state programs, such as the NY Innovation Venture Capital Fund and state-funded research assets, to better serve the growth needs of young companies.

ELIGIBILITY

An entity wishing to be designated as a designated NYS Business Incubator must currently be providing a business incubation program which has been in existence for three or more years. Applicants must provide a strategic plan for their incubator and demonstrate that their services align with industry best practices. Applicants must demonstrate how this

funding will enable and/or expand services they provide to their tenant clients and demonstrate a 2:1 match of state funds. Applicants are strongly encouraged to demonstrate regional partnerships with incubators or organizations assisting entrepreneurs and early stage companies. Applicants should demonstrate a track record of transitioning academic research to the marketplace.

Any entity seeking designation as a New York State Innovation Hot Spot must meet the requirements of a NYS Business Incubator and must demonstrate a strong affiliation with one or more colleges, universities or independent research institutions by providing a Memorandum of Understanding (MOU) describing such affiliation. Applicants are strongly encouraged to demonstrate regional partnerships with incubators or organizations assisting entrepreneurs and early stage companies. Applicants should demonstrate a track record of transitioning academic research to the marketplace. Only applicants within the New York State economic development regions of Western New York, Southern Tier, Finger Lakes, Central New York, and North Country will be eligible for a New York Innovation Hot Spot Designation in this round.

FUNDING

Successful applicants will be awarded operating grants to expand the services and programs provided to start-up companies served by the incubator.

Up to \$125,000 will be provided annually for five years to entities designated as a New York State Business Incubator. Ten awards are anticipated in this category funding.

Up to \$250,000 will be provided annually for five years to entities designated as a New York State Innovation Hot Spot. Five awards are anticipated in this category for CFA funding.

New York State Homes and Community Renewal

Community Development Block Grant Program

Funding Available: Up to \$20 million

Description:

The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title I of the Housing and Community Development Act of 1974. The CDBG Program is administered by the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation (HTFC). For 2021, the OCR may make up to \$20 million available.

NYS CDBG funds provide communities and counties in New York State with an opportunity to undertake activities that focus on community development needs such as creating or expanding job opportunities, providing safe affordable housing, and/or addressing local public infrastructure and public facilities issues. The primary statutory objective of the CDBG program is to develop viable communities by providing decent housing and a suitable living environment by expanding economic opportunities, principally for persons of low and moderate income. The state must ensure that no less than 70% of its CDBG funds are used for activities that benefit low- and moderate-income persons. A low- and moderate-income person is defined as being a member of a household whose income is less than 80% of the area median income for the household size. A principal benefit to low- and moderate-income persons requires at least 51% of the project

beneficiaries to qualify as low- and moderate-income.

Eligible Activities / Program Benefit Requirements:

NYS CDBG applicants must address and resolve a specific community or economic development need within one of the following areas: (1) Public Infrastructure (2) Public Facilities (3) Community Planning

1) 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. For more information regarding National Objective Compliance, refer to the <https://hcr.ny.gov/community-development-block-grant#funding-round-materials> located on the OCR website

2) 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. For more information regarding National Objective Compliance, refer to the OCR website at <https://hcr.ny.gov/community-development-block-grant#funding-round-materials>.

3) Community Planning

The NYS CDBG Planning program consists of two activities: Community 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.

The Community Needs Assessment activity must be used by eligible applicants to identify the assets of a community and determine potential concerns that it faces. The needs assessment analysis may focus on one or more of the following: 1) Public Infrastructure, 2) Public Facilities and/or 3) Economic Development.

Activity Funding Limits:

<u>Public Infrastructure</u>	<i>Maximum</i>
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
<u>Public Facilities</u>	

Counties, Towns, Cities or Villages	\$300,000
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Planning

Counties, Towns, Cities or Villages	\$50,000
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Eligible Types of Applicants:

Eligible applicants are non-entitlement units of general local government (Villages, Cities, Towns or Counties), excluding metropolitan cities, urban counties and Indian Tribes that are designated entitlement communities. Non-entitlement areas are 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. The NYS CDBG program does not provide direct financial assistance to businesses. For a list of eligible communities, please refer to the OCR website at <https://hcr.ny.gov/community-development-block-grant>.

Applicants may submit multiple applications up to the maximum per activity. The total amount requested by the applicant between the two categories of Public Infrastructure and Public Facilities cannot exceed the individual caps listed above for counties, cities, towns and villages, with the exception of single and joint projects that qualify under the higher threshold as described above. Applicants may also request up to the maximum listed for Planning regardless of any other applications submitted for any other categories of assistance. However, as noted above, demonstrated capacity to carry out each grant activity in a timely manner is a factor in the application review process, so funding requests should be determined with this in consideration.

Other CDBG Funding

CDBG Economic Development Funding

All Economic Development, Small Business, and Microenterprise Applications will be available through an Open Round process and completed through the CFA portal. The Open Round applications require the completion of a Pre-Submission Form. The Pre-Submission Form will be reviewed by The Office of Community Renewal and if accepted, the applicant will receive an invitation to apply and will have 60 days to complete a full application within the CFA portal.

The CDBG Economic Development, Small Business, and Microenterprise applications are not subject to the 2021 CFA deadline. These open round applications may be submitted at any time. Please note, an applicant must submit a standalone CDBG open round application. The application cannot request other CFA resources in the same project application. More information is available online, here: <https://hcr.ny.gov/community-development-block-grant-economic-development-program>

CDBG-CV Funding

The Coronavirus Aid, Relief, and Economic Security Act (CARES) provided funding to the NYS CDBG program to assist communities across the state undertake activities that prevent, prepare for, and respond to COVID-19. Eligible applicants include non-entitlement Villages, Towns, Cities or Counties throughout New York State, and all metropolitan cities and urban counties that are HUD designated Entitlement communities

If a CFA applicant has unmet needs related to the COVID-19 pandemic, CDBG CARES funds may be available to support. More information, including application materials, is available at <https://hcr.ny.gov/community-development-block-grant#cdbg-cares-funding>. Questions may be submitted to CDBGCARES@nyshcr.org.

Additional Resources:

For more information, applicants should contact the Office of Community Renewal at New York State Homes and Community Renewal, 38-40 State St. Albany, New York 12207, call (518) 474-2057, email: HCR_CFA@nys-hcr.org or visit the NYS CDBG website at <https://hcr.ny.gov/community-development-block-grant>

New York Main Street Program

Funding Available: Up to \$6.2 million

Description:

The New York Main Street (NYMS) Program was created by the Housing Trust Fund Corporation (HTFC) in 2004 to provide resources to assist New York's communities with Main Street and downtown revitalization efforts. Article XXVI was added to NYS Private Housing Finance Law in 2009 to formally establish the New York Main Street Program in statute. The NYMS Program is administered by the Office of Community Renewal (OCR) under the direction of the Housing Trust Fund Corporation.

NYMS provides resources to invest in projects that provide economic development and housing opportunities in downtown, mixed-use commercial districts. A primary goal of the program is to stimulate reinvestment and leverage additional funds to establish and sustain downtown and neighborhood revitalization efforts.

Eligible Types of Applicants:

Eligible applicants for NYMS program applications are:

- Units of Local Government, or
- Organizations incorporated under the NYS Not-for-Profit Corporation Law that have been providing relevant service to the community for at least one year prior to application.

Eligible Target Area:

All NYMS activities must be located in an eligible target area. Applicants must clearly identify how the target area meets each of the three components of the statutory definition of an eligible target area. Applications that do not address each of the three statutory criteria, or do not provide clear source documentation will be deemed ineligible. Please note, based on the statutory criteria there are areas within NYS that are not eligible, therefore, vague or unclear responses cannot be interpreted to present an eligible target area.

Article XXVI of the Private Housing Finance Law indicates that an eligible target area shall mean an area

(i) that has experienced sustained physical deterioration, decay, neglect, or disinvestment;
(ii) has a number of substandard buildings or vacant residential or commercial units;
and (iii) in which more than fifty percent of the residents are persons whose incomes do not exceed ninety percent of the area median income for the county or metropolitan statistical area (MSA) in which the project is located, or which is designated by a state or federal agency to be eligible for a community or economic development program.

Applicants are encouraged to identify well-defined Main Street areas to maximize the impact that the funds will have on the community. The proposed activities must be carried out in a program target area of generally no more than three contiguous blocks which has experienced sustained physical deterioration, decay, neglect, or disinvestment, and has a number of substandard buildings or vacant residential or commercial units.

Applicants are required to include a Target Area Map to identify the location of the proposed target area and source documentation to demonstrate how the target area meets eligibility criteria.

Eligible Activities

Applicants may propose one activity for a 2021 New York Main Street (NYMS) application. Four NYMS activities are available in the 2021 CFA New York Main Street application:

1. Technical Assistance Project

Applicants may request up to \$20,000 to complete a project that improves community or property owner readiness to participate in a future New York Main Street renovation activity. Examples of eligible NYMS-TA activities include, but are not limited to, the projects described below. Please contact the Office of Community Renewal at HCR_CFA@nyshcr.org to discuss project eligibility prior to applying.

- **Building Reuse or Feasibility Analysis** - Analysis of rehabilitation or adaptive re-use options for downtown, mixed-use building(s) to provide property owners with the resources necessary to make informed decisions regarding the feasibility of rehabilitation projects. These studies may include: historic and architectural analysis; building condition assessment; building code analysis; structural engineering study; proposed uses for the building including opportunities for upper story apartments; plan drawings; green technology potential; cost estimates; funding strategies, including historic tax credits; and pro-forma analysis.
- **Design Guidelines** - The importance of preserving downtown architecture must not be overlooked in repairing and renovating buildings for new occupants and uses. Design Guidelines should be an educational tool for property owners and provide technical assistance and practical recommendations for repairing and renovating downtown, potentially historic, building facades and storefronts. Proposals to produce Design Guidelines must provide clear community support, and a plan for formal adoption and implementation once produced.
- **Economic Development Planning** - Economic resilience and sustainability is important to preserving and expanding the downtown or main street business community, so resources are available to support future building renovation projects. These studies may include market analyses, business development plans, and plans for continuity of business operations.

Examples of completed NYMS-TA Projects are available for review online, here: <https://hcr.ny.gov/new-york-main-street-technical-assistance-nyms-ta-completed-projects>

2. Traditional NYMS Target Area Building Renovation Project

Applicants may request between \$50,000 and \$500,000 for Target Area Building Renovation Activities. Requests must not exceed an amount that can be reasonably expended in the identified target area, within a 24-month term.

- Building Renovation: Matching grants available for renovation of mixed-use buildings. Recipients of NYMS funds may award matching grants of up to \$50,000 per building, not to exceed 75% of the total project cost, in a designated target area. Renovation projects that provide direct assistance to residential units may be awarded an additional \$25,000 per assisted residential unit, up to a per-building maximum of \$100,000, not to exceed 75% of the total project cost.
- Streetscape Enhancement: Applicants may request up to \$15,000 in grant funds for streetscape enhancement activities, such as planting trees, installing street furniture or public art or other activities to enhance the NYMS target area.

Applicants may request a higher amount, up to \$25,000, if the additional requested funds directly alleviate COVID related impacts and further economic recovery and neighborhood and community revitalization (e.g. creation of shared outdoor dining space, public space improvements to improve access and use of outdoor space, mechanicals necessary to use outdoor public spaces, etc.). Projects that specifically create paid work for artists or support the artist community will also receive favorable consideration.

The project and budget should be clearly defined at the time of application and include a detailed description of the proposed Streetscape project, how the proposed project enhances the planned building renovation projects, and contributes to other downtown revitalization efforts underway. If more than \$15,000 will be requested, the plan should also identify how the project will alleviate COVID related impacts.

- Streetscape enhancement grant funds will be awarded only for activity ancillary to a traditional NYMS building renovation project and cannot be applied for on its own. NYMS Downtown Anchor or Downtown Stabilization applicants may not request Streetscape funds.
- Streetscape enhancement activities must be reviewed for eligibility and approved by HTFC prior to commencement of construction or installation.
- Streetscape activities must be completed within the proposed target area.
- Administration: Applicants may request up to 7.5% of the grant amount for salaries and other costs associated with the administration of the grant. The administrative funds must be requested at the time of application, and must be included within the maximum request amount.
- Soft Costs: Applicants may request funds to cover architectural and engineering work, required environmental testing and clearances, and filing fees. These expenses must be included in the per-building activity funding limits, require matching funds and may not exceed 18% of the NYMS renovation funds for a specific project. Project costs incurred for work on buildings that eventually prove infeasible and do not receive other investments will not be reimbursed with NYMS funds. Funds for Soft Costs must be requested at the time of application, and must be included within the maximum request amount.

Funds for Administration and Soft Costs are available on a reimbursement basis, and will therefore be reviewed for eligibility prior to disbursement of funds. Applicants are not required to request NYMS program funds for Administration or Soft Costs, but are encouraged to identify alternate sources of funds for administrative expenses and soft costs. Additional funding commitments for administrative expenses and soft costs strengthen an application.

Example NYMS Target Area Building Renovation Application Request:

\$250,000	2021 NYMS Request Amount
\$210,000	Building Renovation Funds: to renovate five buildings
\$15,000	Streetscape Enhancement Funds: install bike racks, benches
\$10,000	Soft Costs: to hire environmental firm to complete five site specific reviews
\$15,000	Administration: hire consultant to administer grant

3. NYMS Downtown Anchor Project:

Applicants may request between \$100,000 and \$500,000 for a standalone, single site, “shovel ready” renovation project. NYMS Downtown Anchor Project funds are intended to help establish or expand cultural, residential or business anchors that are key to local downtown revitalization efforts through substantial interior and/or exterior building renovations. The NYMS Downtown Anchor Project funds may not exceed 75% of the Total Project Cost.

Applicants for NYMS Downtown Anchor Project funds must:

- Document a compelling need for substantial public investment and justify how the project qualifies as a Downtown Anchor.
 - Document project readiness, as evidenced by funding commitments, developer site control, pre-development planning completed, and local approvals secured;
 - Provide cost estimates to substantiate the request amount;
 - Identify source(s) of available construction financing and matching funds;
 - Demonstrate the importance of the project for the neighborhood, community and region;
 - Provide a Business Plan and Market Analysis to demonstrate project viability.
- Administration: Applicants may request up to 5% of the grant amount for salaries and other costs associated with the administration of the Downtown Anchor Project grant. The administrative funds must be requested at the time of application and must be included within the maximum request amount.
 - Soft Costs: Applicants may request funds to cover architectural and engineering work, required environmental testing and clearances, and filing fees. These expenses must be included in the per-building activity funding limits, requires matching funds and may not exceed 18% of the NYMS renovation funds for the project. Funds for Soft Costs must be requested at the time of application, and must be included within the maximum request amount.

Funds for Administration and Soft Costs are available on a reimbursement basis, and will therefore be reviewed for eligibility prior to disbursement of funds. Applicants are not required to request NYMS program funds for Administration or Soft Costs, but are encouraged to identify alternate sources of funds for administrative expenses and soft costs. Additional funding commitments for administrative expenses and soft costs strengthen an application.

Example NYMS Downtown Anchor Project Application Request

\$250,000	2021 NYMS Downtown Anchor Project Request Amount
\$227,500	Building Renovation Funds: to renovate one building
\$10,000	Soft Costs: to hire firm to complete environmental review
\$12,500	Administration: staff time to administer grant

4. NYMS Downtown Stabilization Project

Applicants may request \$100,000 to \$500,000 to complete a Downtown Stabilization Project. Funds are available to assist with environmental remediation and associated construction costs, as well as other innovative approaches to stabilizing and developing a downtown, mixed-use project. NYMS Downtown Stabilization Project funds may not exceed 75% of the total project cost.

NYMS Downtown Stabilization Project funds are available for projects that meet the goals identified above and, include, but are not limited to: asbestos management (surveys, abatement design plans, air monitoring, etc.), soil vapor intrusion testing and mitigation, building stabilization construction activities (e.g. roof stabilization in conjunction with asbestos remediation) or other projects that identify or mitigate risks associated with other hazardous materials or remove obstacles to future redevelopment. Applicants must demonstrate local support, financial commitments and a compelling need for substantial public investment.

Please contact the Office of Community Renewal at HCR_CFA@nyscr.org to discuss project eligibility prior to submitting an application

COVID Relief Activities

In conjunction with Target Area Building Renovation Activities or a Downtown Anchor Project, applicants may request to use funds to alleviate the impacts of the COVID-19 Pandemic. Requests must be specifically outlined in the application. COVID Relief activities must be directly related to a building renovation activity and awarded on a per project basis. Funds will be awarded only for activity ancillary to a traditional NYMS building renovation or Downtown Anchor project and cannot be applied for on its own. NYMS Downtown Stabilization applicants may not request to use funds for these activities. Program administrators will be required to document

- Impact of COVID on participating business or property owner;
- Need for funding;
- Confirmation that funds do not duplicate other available resources and;
- Explanation for how the investment impacts the sustainability and resiliency of the business or property. Small projects are unlikely to demonstrate long term viability

Funds may be used for

- Reconfiguration of existing facilities to encourage reduced density;
- Redesign and updates for air filtering or ventilation systems;
- Equipment or software required to increase business capacity and efficiency in a post-COVID climate, e.g. online sales, POS systems. One-time only purchases, subscription or membership fees are not eligible for reimbursement;
- Fixtures and equipment to partition customers, guide social distancing or provide contactless sales opportunities;
- Interior and exterior improvements to support adjusted business practices, e.g. pick-up windows, outdoor seating areas

Ineligible expenses include:

- Inventory, rent or lease expenses, working capital or other undefined expenses, general or disposable supplies;
- Other expenses that do not sustain business operations.

Applicants requesting to use funds for COVID Relief activities in conjunction with a NYMS Downtown Anchor project must specifically identify the amount allocated for these activities in the budget and budget table attachment as well as describe the specific use in the budget narrative question.

Applicants requesting to use NYMS funds for COVID Relief activities must confirm that funds will not duplicate other available resources. Award of NYMS funds does not confirm eligibility of all activities included in an application proposal. All activities must be reviewed for eligibility and approved by HTFC prior to commencement.

New York Main Street (NYMS) Program Ineligible Activities

Please note: An applicant is encouraged to focus its efforts on one project type. For this reason, applicants may propose only one NYMS activity in an application.

Ineligible uses of NYMS funds include, but are not limited to: demolition; new construction; improvements to structures owned by religious or private membership organizations; improvements to municipally-owned buildings used for municipal purposes; the purchase of non-permanent fixtures, such as furnishings, appliances, electronics, and business equipment; general organizational operating expenses; capitalizing a revolving loan fund; site work or ancillary activities on a property, including septic systems and laterals, grading, parking lots, sidewalks, landscaping, fences, free standing signs, and general maintenance. General planning activities are not eligible under the four NYMS program activities.

Costs that are not adequately justified or that do not directly support the project are not eligible for reimbursement with NYMS funds. Contact the Office of Community Renewal prior to submitting an application to discuss project eligibility, and review the NYMS Program Guide for more detailed guidance on NYMS program rules: <https://hcr.ny.gov/new-york-main-street>

Funding Priorities:

- Ready to go or "shovel ready" projects. Project readiness is best demonstrated by clear funding commitments for permanent and construction financing, documented site control, completed pre-development planning work, local approvals, and administrative capacity.
- A proposed NYMS service area should include a mix of uses, such as residential, commercial, and civic buildings. Individual assisted buildings are not required to include both residential and civic or commercial spaces; however, applications should propose a comprehensive approach to strengthen both the commercial and residential sectors. Affordable housing in upper-floor spaces and on adjacent streets helps to strengthen the social and economic vitality of the business district. Incorporating residential units on the upper floors is strongly encouraged and those projects will receive priority consideration.
- For NYMS there is a preference for funding proposals where contiguous buildings will be assisted, maximizing the impact of the investment.
- Applicants able to successfully demonstrate broad local support and linkages between the proposed project and local planning and development efforts, and applicants documenting

high percentages of committed matching and leveraged funds will receive the highest scores.

Matching Fund Requirements:

Each of the NYMS activities require matching funds, and only funds directly invested in eligible project activities are eligible as the required match. In kind match is not eligible, and costs incurred for ineligible activities or prior to award and contract execution are not eligible.

- **New York Main Street Technical Assistance Project**
NYMS-TA funds may reimburse up to 95% of the project cost, not to exceed \$20,000. The remaining 5% must be provided as a cash match; in kind match will not be accepted. A total project cost of at least \$21,053 must be presented to request a \$20,000 NYMS-TA grant.
- **New York Main Street Building Renovation Project**
The NYMS Program operates as a reimbursement program and the NYMS Program Guidelines require matching funds for each participating building project. NYMS funds may reimburse up to 75% of total, eligible project costs for general building renovations up to a maximum of \$50,000 per building, or up to \$100,000 for a building renovation project involving direct assistance to a minimum of two residential units.
- **New York Main Street Downtown Anchor Project**
NYMS Downtown Anchor Project funds are available to reimburse up to 75% of a total, eligible project cost not to exceed \$500,000 in NYMS Downtown Anchor Project funds. The minimum NYMS Downtown Anchor request amount is \$100,000.
- **New York Main Street Downtown Stabilization Project**
NYMS Downtown Stabilization funds are available to reimburse up to 75% of a total, eligible project cost not to exceed \$500,000. The minimum NYMS Downtown Stabilization Project request is \$100,000.

Additional Resources:

For more information, applicants should contact the Office of Community Renewal at New York State Homes and Community Renewal, 38-40 State St, Albany, New York 12207, call (518) 474-2057, email HCR_CFA@nyshcr.org or visit the NYMS website <https://hcr.ny.gov/new-york-main-street#funding-round-materials>

Office of Parks, Recreation & Historic Preservation

Environmental Protection Fund Grants Program for Parks, Preservation and Heritage (EPF)

Funding Available: Up to \$19.5 million

DESCRIPTION:

Title 9 NYCRR (sections 439.1 – 443.4) implements the Environmental Protection Fund (EPF) Act of 1993 (Title 9 of Article 54 of the Environmental Conservation Law), which created OPRHP's program for Parks, Preservation and Heritage Grants.

EPF Parks, Preservation and Heritage grant funding is available for the acquisition, planning, development, and improvement of parks, historic properties, and heritage areas

located within the physical boundaries of the State of New York. Grants can fund up to 50% of the total eligible project cost, up to 75% if the project is located in a high-poverty area as defined below. Grant awards are capped at \$500,000. If the total project cost is greater than \$4,000,000, up to \$750,000 may be requested.

ELIGIBLE TYPES OF APPLICANTS:

- Municipalities
- State Agencies
- Public Benefit Corporations
- Public Authorities
- Not-for-profit Corporations that have tax-exempt status under the IRS code, are current with pertinent federal and state filings, and are pre-qualified in the Grants Gateway (see <https://grantsmanagement.ny.gov/resources-grant-applicants>)

The applicant must have an ownership interest in the project property:

- Where the applicant is not the property owner:
 - If the project is for planning only, the owner must grant the applicant any access necessary to complete the project.
 - If the project involves acquisition of the property, the application must include documentation of the owner's intent to sell, donate or transfer the property.
 - If the project involves improvement/development of the property, the owner must agree to sign the project agreement and any long-term protection document.
- If there are additional parties with an ownership interest in the property, including lien holders, all parties must agree to sign the project agreement and all lien holders must subordinate their interests to those of the State.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT AND LONG-TERM PROTECTION

REQUIREMENTS: Funding under the EPF Parks, Preservation and Heritage Grants program is available for the activities and programs described below. An application will be evaluated in all categories for which it qualifies. Applicants should be alert to the requirements for each category for which they wish the application to be considered.

To ensure the public benefit from the investment of State funds, properties acquired or developed with grant funds will receive long-term protections, either through parkland alienation law, conservation easements, public access covenants or preservation covenants recorded against the deeds.

- **Parks Program** - for the acquisition, development or planning of parks and recreational facilities to preserve, rehabilitate or restore lands, waters or structures for park, recreation or conservation purposes and for structural assessments and/or planning for such projects. Examples of eligible projects include playgrounds, courts, rinks, community gardens, and facilities for swimming, boating, picnicking, hunting, fishing, camping or other recreational activities.
 - Public access covenants will be conveyed to the State for all park development projects undertaken by not-for-profit corporations.
 - Conservation easements will be conveyed to the State for parkland acquisition projects undertaken by not-for-profit corporations.
 - Parkland acquired or improved by a municipality must remain parkland in perpetuity. Information is available in the "Handbook on the Alienation and Conversion of Municipal Parkland," located at <https://parks.ny.gov/publications/> under Other Publications

- **Historic Preservation Program** - to acquire, improve, protect, preserve, rehabilitate or restore properties listed on the State or National Register of Historic Places and for structural assessments and/or planning for such projects. All work must conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and professional qualifications as defined in "Historic Preservation Terms and Professional Qualifications" available at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>.
 - o Properties not currently listed but scheduled for nomination review at the State Board for Historic Preservation meeting of either June 10, 2021 or September 9, 2021, are eligible to apply for funding. Questions about, or proposals for, listing on the State or National Register should be directed to the OPRHP National Register Unit at (518) 268-2213.
 - o Preservation covenants or conservation easements will be conveyed to the State for all Historic Preservation grants
 - o Grant funds cannot be used for constructing contemporary additions on a historic property unless that work will provide universal access and/or eliminate code deficiencies for access/egress, such as an elevator or stair tower
 - o Multi-purpose additions to historic buildings and free-standing new construction on historic properties are not eligible for this grant program.
 - o The expense of packing/storing of furnishings and artwork is allowed when required to complete an awarded project for grant-assisted interior work, such as installation of a fire suppression system, or plaster/decorative finishes.
 - o For projects on sectarian properties, grant assistance can fund only costs necessary for historically accurate restoration to restore and preserve the historic integrity of the historic property, and only to the extent that those costs exceed the cost of basic rehabilitation. Information and instructions on how to structure/present a sectarian project can be found at <https://parks.ny.gov/grants/consolidated-funding-app.aspx>
- **Heritage Area Program** - for projects to acquire, preserve, rehabilitate or restore lands, waters or structures identified in the approved management plans for Heritage Areas designated under section 35-03 of the Parks, Recreation and Historic Preservation Law, and for structural assessments or planning for such projects where an active management entity has endorsed the project. For additional information about active Heritage Areas with approved management plans, including exact heritage areas boundaries and Heritage Area Contacts, go to <https://parks.ny.gov/grants/heritage-areas/default.aspx>.
 - o To ensure a public benefit from the investment of state funds, all Heritage Area grants will receive appropriate long-term protections either through parkland alienation law, or in the form of public access covenants, preservation covenants or conservation easements conveyed to the State.

ALLOWABLE COSTS:

All expenditures under these grants must be for goods and services procured in a manner so as to assure the prudent and economical use of public money in the best interests of the taxpayers of the State of New York, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against nepotism, favoritism, improvidence, extravagance, fraud and corruption. Such procedures may include, but are not limited to, competitive bidding, the solicitation of three price quotes, written requests for proposals, etc. (see Successful Applicant Requirements below for additional information)

INELIGIBLE COSTS (will be eliminated from the total project costs in the grant application):

- Work completed prior to award is not eligible for reimbursement or for match. There are

two exceptions:

- Professional services and materials purchased or donated, but not installed, up to three years prior to the application deadline may be applied toward the matching share.
 - Acquisition costs retroactive no more than one year prior to the application deadline are eligible costs.
- Comprehensive Planning/Master Planning/Management Plans/Open Space Plans
 - Application preparation.
 - Contingencies, training, travel, OJT wages, working capital, marketing, taxes, interest, purchase of operational or maintenance equipment, salaries and wages, indirect costs, overhead or operating expenses, rent/lease are ineligible unless noted otherwise above.
 - Fundraising events/expenses.
 - Bond interest and associated fees. The interest associated with a Bond or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.
 - Lobbying expenses.
 - Costs that are not adequately justified or that do not directly support the project.

ADDITIONAL RESOURCES:

Go to <https://parks.ny.gov/grants/consolidated-funding-app.aspx> to view forms and resources containing additional instructions concerning attachments to the application. For more information, contact the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Regional Grants Administrator (RGA) for your county (<https://parks.ny.gov/grants/contact.aspx>), or NYSOPRHPGrants@parks.ny.gov.

Recreational Trails Program (RTP)

Funding Available: Up to \$1.9 million

DESCRIPTION:

The **Recreational Trails Program (RTP)** provides funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses. The RTP is an assistance program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). In New York State, the RTP is administered by the Office of Parks, Recreation and Historic Preservation (OPRHP).

The RTP is a reimbursement program, meaning that the applicant must finance the project while requesting periodic reimbursements. RTP grants provide Federal funding of up to 80 percent of the total project cost with a minimum 20 percent matching share.

The RTP funding is authorized in phases by the Federal Highway Administration. Project budgets and schedules must account for phased authorizations to comply with State and Federal requirements including but not limited to the National Environmental Policy Act (NEPA), State Environmental Quality Review Act (SEQRA), the "Uniform Act", and "Buy America" requirements.

Projects must be legally and physically accessible to the public or be a portion of an identified trail project which, when completed, will be legally and physically accessible to the public.

- All applicants **must** read the *RTP Guide* available online at <https://parks.ny.gov/grants/recreational-trails/default.aspx> for a detailed description of the RTP grant administration procedures

ELIGIBLE APPLICANTS:

- Municipalities
- Pre-Qualified Not-for-Profit Corporations (<https://grantsmanagement.ny.gov/get-prequalified>)

PROJECT PHASE AUTHORIZATIONS

All projects will require phased Federal Authorizations. Project expenses are not eligible for reimbursement until the Federal Highway Administration has authorized that phase. All project activities must progress by project phase and only as authorized. Each phase must be completed before obtaining authorization for the next phase. Project managers should anticipate project costs, funding sources and reimbursement schedule when budgeting for project expenses. The OPRHP Regional Grant Administrator will notify the grantee when they have received Federal authorization for each phase. Below is an overview of each phase (See the *RTP Guide* for more detailed information):

1. **Preliminary Design:** Defines the general project location and design concepts. Identifies the project elements in relation to property boundaries and existing features. Includes but is not limited to the preparation of the *RTP Design Report*, environmental surveys and NEPA approval. The applicant's project manager is responsible for completion of the Design Report. Any work which falls outside the scope of the RTP funded project should be excluded from the Design Report. Design Report documents and project approvals are progressed through the OPRHP. OPRHP will obtain necessary approvals through FHWA.
2. **Final Design:** Includes the preparation of final construction plans and specifications for the performance of construction work. All necessary permits should be secured during the Final Design Phase. Projects that do not include acquisition of real property may receive Right-of-way approval in Final Design Phase.
All RTP projects are subject to New York State Education Law (Articles 145, 147 & 148) regarding the preparation of plans and specifications. Plans which include the design of buildings and/or structures, such as bridges, tunnels, and scenic overlooks, must be stamped, signed and dated by a Licensed Professional, as defined in New York State Education Law.
3. **Right-of-way:** A Right-of-Way Clearance Certificate is required for every RTP project, which certifies that the project sponsor has the legal right to construct, maintain and operate the recreational trail for its intended use. It is the sponsor's responsibility to provide proof of these property rights and demonstrate that all proposed work will occur within the project limits. Evidence to support the current right-of-way status is required with the RTP application.
All RTP projects must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended. The acquisition of additional right-of-way itself does not need to utilize Federal funds for the rules to apply. When Federal funds are present anywhere in the project, the rules of the Uniform Act apply. This applies to donations as well as purchases.
4. **Construction:** Allows the project to proceed to construction. Project sponsors must use their own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations. Adequate supervision and inspection must be provided by the project sponsor to ensure projects are completed in conformance with design standards, construction contract

documents, plans and specifications. CPRHP Regional Grant personnel will oversee administration of the project in accordance with applicable Federal laws, regulations and guidance during construction.

ELIGIBLE RTP PROJECTS:

All applicants must link their proposed project to one, or more, of the following categories:

- **Maintenance and restoration of existing trails** may include any kind of trail maintenance, restoration, rehabilitation, or relocation. This category may include maintenance and restoration of trail bridges or appropriate signage along a trail.
- **Development and rehabilitation of trailside and trailhead facilities and trail linkages** for recreational trails may include development or rehabilitation of any trailside or trailhead facility. Trailside and trailhead facilities must have a direct relationship with a recreational trail.
- **Purchase and lease of recreational trail construction and maintenance equipment** includes purchase or lease of any trail construction or maintenance equipment, including lawn mowers and trail grooming machines, provided the equipment is used primarily to construct and maintain recreational trails.
- **Construction of new recreational trails** may include construction of new trail bridges or installation of appropriate signage along a trail. Separate guidelines and approvals apply to the construction of trails on Federal land.
- **Acquisition of easements and/or fee simple title to real property** may include acquisition of old road or railroad bridges to be used as recreational trail bridges. However, 23 USC 206(g)(1) prohibits condemnation of any kind of interest in property (e.g. eminent domain). Therefore, acquisition of any kind of interest in property must be from a willing landowner or seller.
- **Assessment of trail conditions for accessibility and maintenance** authorizes specific projects to assess trails to determine the level of accessibility for people who have disabilities, and to assess trails for current or future maintenance needs.

TRAIL USE CATEGORIES

The RTP legislation requires that States use 30% of funds for non-motorized recreation, 30% for motorized recreation, and 40% for diverse recreational trail use. To provide flexibility in RTP project selection, the following categories are recognized for meeting this requirement:

- **Non-motorized use project:** A project primarily intended to benefit non-motorized recreational trail use, such as pedestrian, equestrian, or mountain biking. A project may be classified in this category if the project serves one or more mode of non-motorized recreational use. RTP projects serving various pedestrian uses (such as walking, hiking, wheelchair use, running, bird-watching, nature interpretation, backpacking, etc.) constitute a single use for the purposes of this category.
- **Motorized use project:** A project primarily intended to benefit motorized use. A project may be classified in this category if the project serves only one mode of motorized recreational use or more than one mode of motorized recreational use. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.
- **Diverse use project:** A project primarily intended to benefit more than one mode of recreational use, such as pedestrian and bicycling, or pedestrian and equestrian. A diverse use project may also include both motorized and non-motorized uses where motorized use is not the predominant use or when the motorized and non-motorized uses are separated by season, such as equestrian use in summer and snowmobile use

in winter. Other examples include: a common trailhead project serving separate ATV and bicycle trails; or purchasing a machine to groom both snowmobile and cross-country ski trails.

PROJECT COST:

The applicant's funding request must not exceed 80% of the total eligible project cost including donated value of materials and labor. Grant funding will not be increased after an award is made.

The minimum and maximum funding guidelines are as follows:

- **Minimum** Federal funding request for maintenance, restoration, rehabilitation, development, construction, acquisition, and assessment projects: **\$25,000** (\$31,250 minimum total project cost).
- **Minimum** Federal funding request for equipment purchase-only projects: **\$5,000** (\$6,250 minimum total project cost).
- **Maximum** Federal funding request for all projects: **\$250,000** (\$312,500 minimum total project cost).

ELIGIBLE COSTS:

The total cost of each project may only include eligible costs. Eligible costs must be necessary and reasonable for the performance of the Federal award and be allowable under the principles outlined in the *Grant Management Cost Principles* outlined in the Code of Federal Regulations (CFR), Title 2, Grants and Agreements – Part 200 (2 CFR 200) Subpart E and Appendices. Refer to www.ecfr.gov for the full text.

INELIGIBLE COSTS:

Grantees may not use RTP funds to carry out any of the following activities:

- Condemnation of any kind of interest in property;
- Condemned Land as Matching Value: An RTP project may be located on land condemned with funds from other sources. However, it is not permissible to use the value of condemned land toward the match requirement for an RTP project.
- Planning and design-only project proposals, gap analysis studies, feasibility studies.
- Law Enforcement.
- Railroads: RTP projects will not be approved on railroad right-of-way on which the railroad tracks are in place, if trail users will traverse on or between the railroad tracks, except for providing railroad crossing in coordination with the railroad owner, operator, or State agency with jurisdiction over railroads;
- Roads: RTP funds may not be used for improvements to roads and/or bridges intended to be generally accessible by low clearance passenger vehicles (regular passenger cars), unless those roads/bridges are specifically designed for recreational use by the managing agency;
- Sidewalks: unless needed to complete a missing link between other recreational trails;
- Construction of any recreational trail on National Forest System land for any motorized use unless the land has been designated for uses other than wilderness by an approved forest land and resource management plan, or has been released to uses other than wilderness by an Act of Congress; and the construction is otherwise consistent with the management direction in the approved forest land and resource management plan;
- Construction of any recreational trail on Bureau of Land Management land for any motorized use unless the land has been designated for uses other than wilderness by an approved Bureau of Land Management resource management plan, or has been

released to uses other than wilderness by an Act of Congress, and the construction is otherwise consistent with the management direction in the approved management plan;

- Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred.

INDIRECT COSTS:

Costs *not* directly attributable to the project, i.e. "indirect costs", are *not* generally eligible for reimbursement (i.e. expenditures for the general operating or capital overhead of the Sponsor's organization). In certain instances, indirect costs can be approved for reimbursement if the Sponsor's indirect cost rates are approved by the Federal cognizant agency.

ADDITIONAL RESOURCES:

Go to <https://parks.ny.gov/grants/> for additional information, including the *Recreational Trails Program Guide*, which contains an overview of RTP grant procedures. For more information, contact the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Regional Grants Administrator for your county (<https://parks.ny.gov/grants/contact.aspx>), or NYSOPRHPGrants@parks.ny.gov.

Department of State

Local Waterfront Revitalization Program

Funding Available: Up to \$27.75 million

INTRODUCTION:

The Department is soliciting applications through the New York State Consolidated Funding Application (CFA) under Title 11 of the Environmental Protection Fund Local Waterfront Revitalization Program (E-PPF LWRP) from eligible villages, towns, cities located along New York's coasts or designated inland waterways or counties (with the consent and acting on behalf of one or more eligible villages, towns, cities) to advance the preparation or implementation of strategies for community and waterfront revitalization through the following grant categories:

- Preparing or Updating a Local Waterfront Revitalization Program (LWRP)
- Preparing an LWRP Component, including a Watershed Management Plan
- Updating an LWRP to Mitigate Future Physical Climate Risks
- Implementing a Local Waterfront Revitalization Program or a completed LWRP Component

ELIGIBLE APPLICANTS:

Eligible applicants are

- A village, town, or city located along New York's coasts or inland waterways as designated pursuant to Executive Law, Article 42.
- A county with the consent and acting on behalf of one or more eligible villages, towns or cities

An eligible applicant may apply for general planning needed to advance any of the eligible activities listed below in Section V.

Applicants may partner with counties or other organizations, however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract. Applications submitted by not-for-profit organizations and for-profit organizations are ineligible and will not be scored.

For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach either a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

FUNDING OPPORTUNITY:

The Department is making approximately \$27,750,000 available to fund applications for the Local Waterfront Revitalization Program grants, up to \$4 million of which is available for updates to existing LWRPs to mitigate future physical climate risks. Approximately \$18 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

- densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities

ELIGIBLE ACTIVITIES:

New York State's approach to managing waterfront areas recognizes that while State government can promote development and provide protection for critical resources and environments, municipalities are in the best position to determine their own waterfront objectives and to adapt statewide approaches to meet specific local needs. Accordingly, the Department, pursuant to the State Waterfront Revitalization and Coastal Resources Act, has encouraged waterfront communities to prepare Local Waterfront Revitalization Programs (LWRPs)

An LWRP is a comprehensive land and water use plan that expresses a vision for a community's waterfront area, addresses State Coastal Policy to reflect local or regional needs, and outlines the organizational structure, local laws, and projects necessary to implement the program. The State Coastal Policies, set forth in the State of New York Coastal Management Program are enforceable coastal policies for managing the State's coastal resources by preserving and using coastal resources in a manner that balances natural resource protection and the need to accommodate economic development.

New York communities are faced with increased risks related to climate change, such as more intense and frequent rain events and greater coastal storm flooding. The development of LWRPs provide the opportunity for communities to address risks from flooding, sea level rise, and storm surge through the incorporation of resilience measures such as the preservation and use of natural protective features and local laws that can guide appropriate land use to better avoid impacts of these natural hazards.

By preparing an LWRP, community stakeholders have the opportunity to evaluate local waterfront resources, develop goals and a comprehensive strategy for the best use of those resources, propose future projects, and adopt a local program that will guide appropriate development. Development of LWRPs can also provide a regional framework to cooperatively address revitalization issues and advance ongoing and emerging state initiatives including, but not limited to, regional economic development, community resilience and sustainability, smart growth, public health outcomes and environmental justice.

The benefits of preparing, and implementing an LWRP include development of a consensus-driven, unified vision for the community; technical assistance from the Department; increased chances for obtaining financial assistance from public and private funding sources; and, coordinated review between federal, State, and local agencies as appropriate for proposed projects and government actions within the LWRP boundary.

For project-specific planning, feasibility, design, and/or marketing needed to advance eligible activities, an eligible applicant must be currently preparing an LWRP or LWRP Component or have an approved LWRP or LWRP Component. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

For construction of projects needed to advance eligible activities, an eligible applicant must have an approved or substantially completed LWRP or relevant LWRP Component. For the purpose of this solicitation, a substantially complete LWRP at a minimum must include complete draft LWRP Sections 1-4 which the public has been given two opportunities to review and comment on. The proposed project must be located within the LWRP boundary or LWRP Component boundary.

The list of coastal waterbodies and designated inland waterways is defined in NYS Executive Law, Article 42, Section 911 available at <https://www.nysenate.gov/legislation/laws/E/42/911>

Preparing or Updating a Local Waterfront Revitalization Program (LWRP)

Preparing a Local Waterfront Revitalization Program Component

Updating an LWRP to Mitigate Physical Climate Risks

Implementing a Local Waterfront Revitalization Program or Local Waterfront Revitalization Program Component

LWRP Component: Watershed Management Plan (Planning or Implementation)

FUNDING AND BUDGET GUIDANCE

Determining Total Eligible Project Cost and State Funding Request

When estimating the total eligible project cost, the applicant should calculate the cost to complete each task included in the project scope of work which may include costs associated with project management and grant administration. As a reference, DOS generic work plans which describe tasks necessary to prepare an LWRP and implement design and construction projects are available at: <https://dos.ny.gov/funding-bid-opportunities>. The budget may only include eligible costs described below which directly support the project scope of work. Applicants are encouraged to obtain initial project quotes from a consultant with relevant professional experience and background to inform the budget.

Total Eligible Project Cost * % State Funding (either 0.75 or 0.85) = State Funds Requested

For example, if the total eligible project cost is \$200,000, the State Funds Requested would be \$150,000 and the Local Match would be \$50,000.

$\$200,000 * 0.75 = \$150,000$ State Funds Requested

$\$200,000 * 0.85 = \$170,000$ State Funds Requested for projects meeting Environmental Justice criteria (see below)

The minimum State assistance request per grant application is \$50,000 and the maximum State assistance request is \$5 million. Applications requesting under \$50,000 will be disqualified and will not be scored.

Eligible Costs

Costs must be adequately justified and directly support the scope of work for the proposed project. Proposed total project costs, including match components, must be essential to project completion. All costs will be paid on a reimbursement basis and must be documented.

Grant funds may be used for the following costs associated with the scope outlined in the application:

Personal Services – including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration. Fringe benefits must be outlined in the application and include the organizations' documented rate.

Non-Personal Services – including supplies and materials, travel, equipment, consultant/contractual services for direct project related costs, project management, capacity building, limited grant administration, and other goods and services

Equipment – Equipment purchases will only be considered as an eligible cost if the equipment is essential to accomplish tasks included in project scope of work and is demonstrated to be more cost-effective than renting or leasing the equipment. The application should list each piece of equipment to be purchased with an estimated cost and how it will be used to accomplish project tasks. Equipment purchased with EPF LWRP grant funding cannot be sold without prior approval from the Department. If equipment purchased with EPF LWRP funds is sold without DOS approval, the Department may require that grant funds be returned to the Department. Equipment usage may only be used as local match.

Project management activities may include oversight and coordination of tasks needed to produce contract deliverables, coordination of Project Advisory Committee activities, consultant procurement and oversight, public outreach and providing technical assistance.

Capacity building may include: investment in existing staff, such as training, or automating systems that will improve a community's ability to carry out projects and/or deliver programs funded under this RFA, or developing sustainable organizational capacity, such as through creating and recruiting new positions or enlisting external professional assistance to oversee revitalization efforts. Allowable activities under capacity building shall be within the scope of the RFA and undertaken in direct furtherance of the purpose of the grant application.

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

Land acquisition – land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property. Land must be acquired within three years prior to the contract start date or within the executed contract term. Land acquisition is not eligible for match for projects involving only design and engineering. A map identifying the property, and if available, a current appraisal report documenting the property value and a copy of the recorded deed conveying title and ownership must be submitted with the application.

Ineligible Costs

The following costs will neither be accepted as the required local match nor reimbursed with grant funds:

Indirect or overhead costs of the municipality such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

Salaries and other expenses of elected officials

Fund raising events/expenses

Federal funding

Other Environmental Protection Fund awards

Land acquisition (except as noted above)

Taxes, insurance, fines, deficit funding

Bond interest and associated fees. The interest associated with a Bond or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.

Contingency costs

Lobbying expenses

Cost incurred prior to the contract start date

Costs that are not adequately justified or that do not directly support the scope of work for the proposed project

Brownfield Opportunity Area Program

Funding Available: Up to \$3.5 million

INTRODUCTION

The Department of State (Department) is soliciting applications through the New York State Consolidated Funding Application (CFA) from eligible municipalities, community-based not-for-profit organizations, and NYC Community Boards to complete (1) a Brownfield Opportunity Area (BOA) Nomination for a community affected by known or suspected brownfields, (2) pre-development activities within a BOA where a Nomination forms the basis for a designation by the Secretary of State (referred to here as a State-Designated BOA), and (3) Phase II Environmental Site Assessments (SA) within a State-Designated BOA.

Brownfields include real properties where a contaminant is present at levels exceeding the soil cleanup objectives or where levels exceed other health-based or environmental standards, criteria, or guidance adopted by New York State Department of Environmental Conservation. The applicability of these regulations is based on the reasonable, anticipated use of the property. Known or suspected site contamination of real property can impede investment and redevelopment, making such property an economic and environmental drain on localities. Through the New York State Department of State Brownfield Opportunity Area (BOA) Program, these known and suspected brownfields are transformed from liabilities to community assets that generate businesses, jobs and revenues for local economies and provide new housing and public amenities.

The BOA program applies a neighborhood or area-wide approach, rather than the traditional site-by-site approach, to the assessment and redevelopment of known or suspected brownfields and other vacant or abandoned properties. The neighborhood approach enables communities to comprehensively assess existing economic and environmental conditions associated with brownfield blight and impacted areas, identify and prioritize community supported redevelopment opportunities, and attract public and private investment. The types of areas where program resources are being applied include industrial/manufacturing zones, commercial corridors, mixed-use neighborhoods, downtowns and waterfronts.

Through the BOA Program, communities are empowered to

- Address a range of problems posed by multiple known or suspected brownfield sites;
- Build community consensus on the future uses for the area with an emphasis on strategic sites that are known or suspected brownfields;
- Establish sustainable goals and objectives for area-wide revitalization and for redevelopment of strategic sites;
- Identify and establish the multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize downtowns, neighborhoods, and communities;
- Address environmental justice concerns and promote environmental equity in areas that may be burdened by negative environmental consequences; and
- Engage in activities to implement the community's vision after BOA designation by Department of State

It is expected that BOA Nominations developed locally through this program will then be submitted to the Secretary of State in support of a request for BOA designation. BOA designation conveys

certain benefits to an area that promotes redevelopment consistent with the vision, goals and objectives outlined and reported in the BOA Nomination. Applications for pre-development and environmental site assessment activities are expected to implement the vision, goals and objectives of the State-Designated BOA.

The BOA Program is a reimbursement program. State assistance awarded and paid through the BOA Program shall not exceed 90% of the total eligible project costs set forth in the application and approved by the Department. Upon execution of a state-assistance contract, BOA Program grantees may request an advance payment of up to 25% of the total grant. Such advance payment requests are subject to the Department's approval and the availability of funds.

ELIGIBLE APPLICANTS

Eligible applicants are municipalities, community-based organizations and New York City community boards, as defined below:

Municipality – A municipality is defined as a city, village, town, county, local public authority, public benefit corporation, school district, or special improvement district, or an Indian nation or tribe recognized by New York State or the United States with a reservation wholly or partially within the boundaries of New York State.

Community Based Organization - A community-based organization must be a not-for-profit corporation under Section 501(c)(3) of the Internal Revenue Code at the time of application. In addition, its stated mission must be to promote reuse of brownfield sites or community revitalization within the geographic area in which the community-based organization is located; it must have 25 percent or more of its Board of Directors residing in the community in such area; and it must represent a community with a demonstrated financial need.

Community Board – A Community Board is unique to New York City and is defined and described in Section 2800 of the New York City Charter.

Joint Applications

Two or more eligible applicants are encouraged to work in partnership and jointly apply for funding for a BOA project that would improve an area of mutual interest or concern. Joint applicants should identify the municipality, community-based organization, or community board that the Department should recognize as the primary applicant for all purposes, including contract award.

FUNDING OPPORTUNITY

The Department is making approximately \$3,500,000 available for BOA Program grants for the eligible activities identified in Section IV, below.

State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible project cost.

The maximum for each grant awarded under this solicitation is \$300,000. There is no minimum State assistance request.

ELIGIBLE ACTIVITIES

Three types of activities are eligible for funding as BOA projects:

- (1) Development of a BOA Nomination,
- (2) Undertaking Pre-Development Activities within a State-Designated BOA.
- (3) Phase II Environmental Site Assessments within a State-Designated BOA.

An application may include multiple projects, however they must all be for the same type of activity as listed above. Eligible applicants wishing to apply for more than one type of activity should submit separate applications, one for each activity type.

ELIGIBLE AND INELIGIBLE COSTS

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed costs must be essential to project completion. Eligible costs include the following:

- (a) **Personal Services** – Personal services include direct salaries, wages, and fringe benefits of grantee employees for activities related to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the organization's documented rate.
- (b) **Non-Personal Services** – Non-personal services include consultant/contractual services for direct project related costs, project management, and limited grant administration; project-related supplies and materials; necessary travel; and other goods and services required to complete the project.

Notes:

Project management activities may include, but are not limited to, oversight and coordination of tasks needed to produce contractual deliverables, coordination of steering committee activities, consultant procurement and oversight, public outreach, and developing or providing local and/or regional capacity to advance revitalization goals.

Grant administration may include, but is not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs

Ineligible costs include the following:

- (a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- (b) Salaries and other expenses of elected officials.
- (c) Costs incurred outside of the contract term.
- (d) Costs that are not adequately justified or that do not directly support the project.

Notes:

Ineligible costs will be eliminated from the total project costs in the grant application.

Smart Growth Comprehensive Planning Grant Program

Funding Available: Up to \$1 million

INTRODUCTION:

The Department is soliciting applications through the New York State Consolidated Funding Application (CFA) under the Environmental Protection Fund Smart Growth Program from eligible villages, towns, cities, counties, regional planning entities, and not-for-profit organizations to advance the preparation of municipal comprehensive plans to establish land use policies which support smart growth and clean energy principles for the community.

The comprehensive plan is one of the central land use planning tools for local governments in New York State. The comprehensive plan is most often a written document that articulates the community vision and goals for land use and economic development. State law requires zoning regulations (i.e., local law, ordinance) to be adopted in accordance with a comprehensive plan in towns and villages and in accordance with a well-considered plan in cities. A comprehensive plan should form the legal justification for zoning regulations and all other land use regulations adopted by a municipality and those regulations should be designed to implement the goals and policies set forth in the plan. Lack of a comprehensive plan, or an outdated comprehensive plan that no longer reflects the conditions and wishes of the community, can put a local government at risk of legal challenges to planning and zoning decisions.

A Comprehensive Plan is a short- and long- term planning document that sets forth land use policies that express a vision for the future as well as goals and actions to achieve that vision. The benefits of a Comprehensive Plan include:

- Providing a process for identifying community resources, long range community needs, and commonly held goals
- Providing a process for developing community consensus
- Providing a blueprint for future governmental actions

By preparing a Comprehensive Plan that addresses Smart Growth Principles, community stakeholders have the opportunity to evaluate local resources, develop goals and a comprehensive strategy for the best and most efficient use of those resources, propose future projects, and adopt a local plan that will guide appropriate development and promote Smart Growth.

An effective Comprehensive Plan should:

- include a strong public participation process to develop public consensus on a vision for the future through community visioning, public meetings and workshops, focus groups, charrettes, etc
- identify regional and local assets, potential risks, and opportunities with regard to: development and infrastructure; natural resources; flooding and erosion hazards; resiliency; public access and recreation; historic and scenic resources; agricultural and forest lands; energy – including opportunities to develop solar and other clean

energy at a variety of scales; water and air resources; and other social, cultural, economic and environmental interests

- determine appropriate land uses to implement community goals and objectives
- provide local organizational and legal structure, including the adoption of necessary zoning and land use regulations (i.e., ordinance, local laws)

Smart Growth encourages community planning and development in priority development areas where water and sewer infrastructure are available, encourages redevelopment of existing community centers, protects important historic and natural resources, including water quality, and promotes the siting and development of community clean energy sources. Comprehensive plans should incorporate Smart Growth principles to make the most efficient use of community resources, reduce the property tax burden and promote sustainable economic development.

New York communities are faced with increased risks related to climate change, such as more intense and frequent rain events, increased and extended droughts, greater coastal storm flooding, and prolonged increased temperatures. As a result, New York has passed the nation-leading Climate Leadership and Community Protection Act (Climate Act) to empower every New Yorker to fight climate change at home, at work, and in their communities. Comprehensive plans provide a mechanism for local governments to address climate risks on a local level while also planning for appropriate economic development. The Comprehensive Plan can set a course for clean, affordable, and reliable energy and transportation; safe and energy efficient businesses; protection of farmland and forestlands to avoid conversion of lands; and overall healthy communities. Thus, the comprehensive plan should support Climate Act goals, smart growth principles, consider asset risk assessments, and incorporate and advance carbon reduction/abatement, energy efficiency and renewable energy strategies.

Applications to prepare or update a municipal comprehensive plan may only include one plan per application. A comprehensive plan should address a wide range of planning issues including, but not limited to, appropriate physical development, economic development, transportation patterns, natural and built resource inventories, and population trends.

The Smart Growth Comprehensive Planning Grant is a reimbursement program. State assistance awarded and paid through the Smart Growth Comprehensive Planning Grant Program shall not exceed 90% of the total eligible project costs set forth in the application and approved by the Department.

Applicants are required to demonstrate that projects are ready to move forward. A contract period will not exceed three years. Special consideration for extensions due to extreme extenuating circumstances will only be granted on a case-by-case basis and only if significant progress has been demonstrated. Only applications for projects that can be completed within three years will be considered. Applicants will be required to prepare and submit a project work schedule and timeline that includes major tasks and milestones with completion dates for each

ELIGIBLE APPLICANTS:

Eligible applicants are:

- Villages, towns, and cities;
- Counties and regional planning entities on behalf of a village, town or city;
- Eligible not-for-profit organizations on behalf of a village, town, or city. To be eligible for this grant opportunity, a not-for-profit organization must be :
 - Incorporated pursuant to New York State Not-For-Profit Corporation Law and

- o Approved for tax-exempt status under the Internal Revenue Service code on or before December 31, 2020.

An eligible applicant may apply for general planning needed to advance any of the eligible activities listed below in Section V.

Applicants may partner with counties or other organizations, however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract.

For applications submitted by a county, regional planning entity or non-profit organizations with the written consent and acting on behalf of a village, town, or city, the application must include a letter or resolution from each eligible municipality participating in the project which demonstrates the municipal consent and support for the application.

ELIGIBLE ACTIVITIES:

Eligible activities include those needed to develop a new Comprehensive Plan or a Comprehensive Plan update that is consistent with the Smart Growth Principles described in Section VI, below.

Applicants may apply for funding to prepare, complete, or update a Comprehensive Plan that integrates Smart Growth principles as described in section VI below. Pursuant to Town Law, §272-a, Village Law, §7-722 or General City Law, §28-a, such Comprehensive Plan may include the following topics:

- (a) General statements of goals, objectives, principles, policies, and standards upon which proposals for the immediate and long-range enhancement, growth and development of the town are based.
- (b) Consideration of regional needs and the official plans of other government units and agencies within the region.
- (c) The existing and proposed location and intensity of land uses.
- (d) Consideration of agricultural uses, historic and cultural resources, coastal and natural resources and sensitive environmental areas.
- (e) Consideration of population, demographic and socio-economic trends and future projections.
- (f) The location and types of transportation facilities.
- (g) Existing and proposed general location of public and private utilities and infrastructure.
- (h) Existing housing resources and future housing needs, including affordable housing.
- (i) The present and future general location of educational and cultural facilities, historic sites, health facilities and facilities for emergency services.
- (j) Existing and proposed recreation facilities and parkland.
- (k) The present and potential future general location of commercial and industrial facilities.
- (l) Specific policies and strategies for improving the local economy in coordination with other plan topics.
- (m) Proposed measures, programs, devices, and instruments to implement the goals and objectives of the various topics within the comprehensive plan.
- (n) All or part of the plan of another public agency.
- (o) Any and all other items which are consistent with the orderly growth and development of the town.

Communities with an adopted Comprehensive Plan are encouraged to regularly update their plan to reflect changes in local conditions and community goals and to integrate Smart Growth Principles. An update to the Comprehensive Plan will ensure the plan is current and well-connected to short and long-range community objectives and Smart Growth Principles.

The following activities related to comprehensive planning are eligible for reimbursement:

- Surveys, assessments, maps, charts, studies, and other research-oriented activities related to the Comprehensive Plan;
- Writing, illustrating, and producing the Comprehensive Plan;
- Holding and facilitating community forums and other costs related to public outreach and engagement;
- Coordinating with other governmental entities;
- SEQR and environmental review; and
- Project management, comprehensive plan committee coordination, and other activities needed to complete a Comprehensive Plan that addresses Smart Growth Principles.

REQUIREMENTS FOR SMART GROWTH PRINCIPLES

Comprehensive Plans funded under this grant program should contain strategies/projects that will be consistent with the following general Smart Growth Principles

1. **Mixed Land Uses:** A mix of land uses can convey substantial fiscal and economic benefits by placing commercial uses near residential areas as critical component of achieving viable places to live for those who use and depend upon the area's commerce.
2. **Range of Housing Opportunities and Choices:** Provide quality housing with efficient access to jobs, resources and amenities for people of all income levels, ages and races.
3. **Development and Redevelopment in Existing Communities:** Smart Growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and to conserve open space and irreplaceable natural resources on the urban and metropolitan fringe.
4. **Distinctive, Attractive Communities with a Strong Sense of Place:** Smart Growth encourages communities to set standards for development and construction that respond to community values of architectural aesthetics, neighborhood-friendly design and human-scale planning, as well as expanded choices in housing and transportation.
5. **Density:** Compact communities are more land- and energy-efficient, provide the critical mass for neighborhood retail, commercial development and mass transit; protect natural resources; and promote walkability. Concentrating and directing growth in designated centers reduces the demand for sprawling development of greenfields on the metropolitan fringe, thus saving open space and farmland and protecting natural resources. Growth in centers maximizes the use of existing infrastructure, avoiding costly municipal expenditures on the extension and maintenance of new infrastructure.
6. **Clean Energy:** The inclusion of clean energy siting and development into planning, zoning, building and infrastructure, including, but not limited to, solar, wind, geo-thermal and micro-grids.

7. **Climate Change:** Concentrating residential, commercial, office and recreational land uses provides the density and critical mass necessary to sustain mass transit, reducing automobile dependency, vehicle miles travelled and transport-based greenhouse gas emissions. Denser communities are also more energy- efficient.
8. **Resiliency:** Land use, development and infrastructure that is adaptive to climate change impacts and is resilient and resistant to extreme storm events.
9. **Green Infrastructure:** Smart Growth incorporates green buildings – energy conservation measures, renewable energy, sustainable site location and maintenance, locally produced materials and food – well- maintained and well-placed parks, trails, linked open spaces, child accessible, environmental and ecological education areas, sustainable storm-water management and urban forestry.
10. **Social Diversity and Integration:** Communities designed on Smart Growth principles allow people of diverse ages, incomes, races and physical abilities to interact more regularly, easily and safely by encouraging walkable communities, accessible public spaces and a variety of age-, income- and race/ethnic-integrated housing opportunities.
11. **Regional Planning and Coordination:** We conduct our daily lives on a regional, multi-jurisdictional basis—in many cases living in one local government, working in another and recreating in yet another. And economic, ecological and transportation systems also operate regionally. It is therefore imperative that municipal planning also align and coordinate with regional objectives, systems and plans, as represented, for example, in NYSDERDA Regional Sustainability Plans, REDC Strategic Plans, countywide plans and plans developed by Regional Planning Councils. Regional planning and coordination allow stakeholders to more effectively collaborate across jurisdictional lines to leverage resources and achieve mutual goals and objectives—environmental, social and economic.
12. **Walkable/Bikeable Neighborhood Design:** Walkable/bikeable communities make pedestrian activity possible by mixing land uses, building densely and connecting streets in a gridded pattern, thus expanding transportation options and creating streetscapes that better serve a range of users, including pedestrians, bicyclists, transit riders, and automobiles.
13. **Variety of Mobility Choices:** Providing people with efficient and varied mobility choices - walking, biking, public transit - fosters greater community opportunities for housing, shopping, and jobs compliant with Smart Growth principles
14. **Well-Planned and Well-Placed Public Spaces:** The public realm plays a prominent role in the Smart Growth paradigm. Smart public spaces increase walkability, social interaction, livability, a sense of place and neighborhood aesthetics.
15. **Community and Stakeholder Collaboration in Planning:** Collaborative efforts can lead to creative resolutions of development issues and greater community understanding of the importance of good planning and investment which results in great places to live, work, shop and play.

FUNDING AND BUDGET GUIDANCE

State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible project cost as described below.

The maximum State assistance request per grant application is \$100,000. There is no minimum State assistance request requirement. Applications requesting over \$100,000 will be disqualified and will not be scored.

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed costs, including match components, must be essential to project completion. All costs will be paid on a reimbursement basis and must be documented. Eligible costs include the following

- (a) Personal Services** – Personal services include direct salaries, wages, and fringe benefits of grantee employees for activities in direct relation to or in support of to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the organization's documented rate.
- (b) Non-Personal Services** – Non-personal services include consultant/contractual services for direct project related costs, project management, and limited grant administration; project-related supplies and materials; necessary travel; and other goods and services required to complete the project.

Notes:

Project management activities may include, but are not limited to, oversight and coordination of tasks and activities needed to produce contractual deliverables, consultant procurement and oversight, public outreach, and technical assistance.

Grant administration may include, but is not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount.

Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs

Ineligible costs include the following:

- (a) Indirect or overhead costs, such as rent, telephone service, general administrative support, copiers, office equipment, general office supplies, general operations costs, membership fees, subscription costs
- (b) Salaries and other expenses of elected officials
- (c) Costs incurred outside of the contract term.
- (d) Costs that are not adequately justified or that do not directly support the project

Notes:

Ineligible costs will be eliminated from the total project costs in the grant application.

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

Local Government Efficiency Program

Funding Available: Up to \$4 million

DESCRIPTION:

The Local Government Efficiency (LGE) program provides reimbursement grants to local governments to incentivize new actions to modernize the delivery of local services to reduce the cost of municipal operations and limit the growth in property taxes. Applicants must demonstrate significant commitment to project completion and clearly illustrate through financial estimates and performance measures what the long-term benefit will be to New York residents.

Projects can include local government reorganization and consolidation, shared services, city or county charter revisions that include functional consolidation, and the establishment of regional service delivery mechanisms.

ELIGIBLE APPLICANTS:

Counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, public library systems - if they advance a joint application on behalf of member libraries, water authorities, sewer authorities, regional planning and development boards, school districts, and Boards of Cooperative Educational Services (BOCES) only to the extent they advance certain joint applications.

ELIGIBLE ACTIVITIES / PROGRAM FUNDING:

Local governments may apply for planning and implementation projects

- The maximum funding for planning is \$12,500 for each local government involved in the project, not to exceed \$100,000.
- The maximum funding for implementation is \$200,000 for each local government involved in the project, not to exceed \$1,000,000. (This funding limit applies to an existing LGE award that includes a new phase of development but does not include new partners.)

Applicants are required to provide cash local matching funds for all projects.

- Implementation awards **require** local cash matching funds equal to at least 10% of the total project cost.
- Planning awards **require** local cash matching funds equal to at least 50% of planning costs.
- In the event an applicant is implementing a project that the applicant developed through a successfully completed planning grant funded under the Local Government Efficiency grant program or the Shared Municipal Services incentive grant program, the local matching funds required shall be credited by the local matching funds required by such successfully completed planning grant up to the amount of local matching funds required for the implementation grant. To be considered a successfully completed planning grant, the grant must be completed and paid in full by October 1, 2021.

All grants are reimbursement grants. To receive full funding, awardees must demonstrate that the project has received all appropriate public consideration and referenda where required.

INELIGIBLE ACTIVITIES:

For this application, projects shall not include the development of a plan or study for a local government re-organization eligible to receive funding pursuant to the New York Department of State Local Government Citizens Re-Organization Empowerment Grant (CREG). CREG assists local governments with planning and implementation actions for consolidation or dissolution pursuant to General Municipal Law 17-A. Applications for CREG funding can be submitted monthly. (For more information about eligibility under the CREG program please contact the Division of Local Government Services at 518-473-3355.)

ADDITIONAL RESOURCES: <https://dos.ny.gov/funding-bid-opportunities>

New York State Canal Corporation

Canalway Grants Program

Funding Available: Up to \$1 million

DESCRIPTION:

The "Canalway Grants Program" includes up to \$1.0 million in competitive grants available to eligible municipalities, and 501(c)(3) non-profit organizations along the New York State Canal System for canal related capital projects. The minimum grant request amount is \$25,000. The maximum grant request is \$150,000. Grant administration and pre-development costs shall not exceed 10% of the grant award amount. These costs may be used as part of the applicant match though, with no cap. This grants program is administered by the NYS Canal Corporation, a subsidiary of the New York Power Authority (NYPA).

FUNDING PRIORITIES:

Projects proposed for Canal funding should demonstrate how they will achieve some or all of the following for the NYS Canal System including the Canalway Trail: expand public access, increase visitation and recreational use, stimulate private investment, improve services and amenities for Canalway land and water trail users, and enhance the connections between the canal and the corresponding region consistent with the Reimagine the Canals initiative <https://www.ny.gov/programs/reimagine-canals-initiative> as well as the Regional Economic Development Councils Strategic Plans <http://regionalcouncils.ny.gov/>

Priority in this round will be given to projects that encourage economic development, spur the use of the Empire State Trail and other canal tourism, stimulate private investment in tourism infrastructure, and promote resiliency against environmental challenges.

Priority will also be given to projects that enhance physical accessibility, employ principles of universal design, and promote social inclusion.

Applicants are also encouraged to explore additional state agency funding sources for tourism marketing projects and/or programs, waterfront development, recreational access and historic preservation.

Consistency with the following state wide initiatives are also considered part of the application review process:

Downtown Revitalization Initiative and Strategic Community Investment

Environmental Justice**ELIGIBLE TYPES OF APPLICANTS:**

- Municipalities
- Not-for-profit Corporations

Not-for-profit corporations are covered under New York State's Not-For-Profit Corporation Law. In order to apply under this program, a not-for-profit corporation must have proof of incorporation (or equivalent document) from the NYS Department of State or NYS Board of Regents, a charities registration number from the NYS Office of the Attorney General and proof of tax-exempt status under the Internal Revenue code.

ELIGIBLE ACTIVITIES /

Eligible canal capital project expenses include, but may not be limited to: constructing new buildings, trail sections, trail connections or structures, substantial renovations or preservation of existing buildings, trail segments, or other structures, including reconfigurations (removal or construction of walls, ceilings and flooring, windows, window frames, hulls), site preparation and improvements associated with a project (excavation, demolition, roadways, sidewalks, exterior lighting, sprinkler systems, utility hook-ups); acquisition of furnishings, fixtures, machinery and equipment with a useful life in excess of five years including signs and interpretive exhibits, constructing or rehabilitating docks or bulkheads for the purpose of public access to and from the Canal System; hazardous waste clean-up associated with a project, and retrofitting for energy efficiency.

INELIGIBLE ACTIVITIES:

- Use of grant funds for land acquisition is prohibited (however the costs of acquisition may be used as a local match)
- Grant funds cannot be used to cover operating expenses

ADDITIONAL RESOURCES

For more information, eligible applicants should contact the New York State Canal Corporation, 30 South Pearl Street, Albany NY 12207 www.canals.ny.gov
<http://www.canals.ny.gov/community/grant.html>
procurement@canals.ny.gov

New York State Energy Research and Development Authority

Energy Efficiency Programs

Funding Available: Up to \$3 million available

NYS Energy Research and Development Authority - Flexible Technical Assistance (FlexTech)**DESCRIPTION:**

Program provides eligible New York State commercial, industrial, multifamily and institutional end users with objective and customized engineering analysis to help make informed energy decisions.

ELIGIBLE TYPES OF APPLICANTS:

FlexTech is funded on a first-come, first-served basis until funds are exhausted. Eligible Applicants are New York State electricity distribution customers of a participating utility company, who pay into the System Benefits Charge (SBC). The SBC may be a line item on the customer's utility bills.

Eligible Applicants include, but are not limited to:

- Commercial Facilities
- Industrial Facilities
- Multifamily Facilities (5+ Units)
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities
- Municipalities (Local Government)
- State Agencies & Government
- Not-for-profit Corporations
- Public and Private P-12 schools

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

Customers who are in need of a service provider may choose from NYSERDA's FlexTech Consultant list comprised of firms under NYSERDA contract who have been competitively selected to provide technical services across the state. The current list of FlexTech Consultants is available on NYSERDA's website at www.nyserda.ny.gov/flextech. Alternatively, customers may select their own service provider. Potential service providers include, but are not limited to ESCOs, energy consultants, and engineering companies.

Eligible study categories include:

- Energy efficiency technical analyses
- Creation of a long-term energy plan
- Investigation of deep energy savings
- Investigation of Clean Heating and Cooling Systems including Air Source Heat Pumps, Ground Source Heat Pumps, Variable Refrigerant Flow, and Solar Heating and Cooling
- Investigation of distributed energy resources

Please refer to the FlexTech Program Opportunity Notice (PON) for a comprehensive list of eligible study categories: <https://www.nyserda.ny.gov/flextech>

FUNDING PRIORITIES:

Eligible applications are accepted on a first-come, first-served basis until funds are exhausted.

INELIGIBLE ACTIVITIES:

- New facilities or those that have undergone substantial renovations, which have not been occupied for more than one year are not eligible for energy efficiency study funding
- Whole building, new construction, and new equipment commissioning is not eligible for energy efficiency study funding under this program.
- Detailed engineering design is not eligible for funding under this program
- Applications seeking funding for single family and Publicly Assisted Housing are not eligible under this program but may apply under one of NYSERDA's other residential programs.
- Applications seeking funds to support the sale or distribution of energy are not eligible for funding under this program except as defined in NYSERDA's CHP requirements. Equipment purchases are not eligible for funding under this program, except for metering equipment.

software costs, and other data collection hard costs. To be eligible for funding, the equipment must be a necessary component of the funded study.

- No service provider may apply for more than 25% of the funds available under this program. Power quality, power factor, and power conditioning studies are not eligible for funding under this program
- Utility billing error analysis is not eligible for funding under this program
- Organizations that generate, transmit, or distribute energy for sale are not eligible for funding under this component of the program.

ADDITIONAL RESOURCES:

FlexTech Main Page: www.nyserderda.ny.gov/flextech

1-866-NYSERDA

NYS Energy Research and Development Authority – Commercial New Construction Program

DESCRIPTION:

The Commercial New Construction Program (CNCP) provides technical and financial support to evaluate energy efficiency options and to promote the installation of energy-efficient electric equipment in new and substantially renovated all-electric commercial and industrial buildings.

ELIGIBLE TYPES OF APPLICANTS:

- State and local governments, businesses, not-for-profit and private institutions, public and private K-12 schools, colleges and universities, and health care facilities in New York State that are electricity customers of a participating utility company, and that pay, or will pay, into the System Benefits Charge, are eligible for incentives.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS:

- Projects for which an architect or engineer is preparing and certifying construction documents, including:
 - New buildings, or space within a new building.
 - Substantial renovations to existing buildings where the space has been, or will be, vacant for at least 30 consecutive days; or where there is a change of use (e.g. warehouse to office).

FUNDING PRIORITIES:

- Funding is available on a first-come, first-served basis until funds are exhausted.
- All applications to the CNCP are given equal consideration; and
- To ensure eligibility to participate in all services available through the CNCP and to maximize CNCP benefits, NYSEERDA recommends that applications be submitted in the early schematic design phase or sooner.

INELIGIBLE ACTIVITIES:

- Applicants may not obtain incentives for the same energy efficiency measures through other NYSEERDA programs or from programs offered by their local utility, unless specifically identified as acceptable in the PON;
- Ineligible projects include renovations and equipment upgrades at existing facilities where the facility will remain occupied during construction;

- Applicants who do not, or will not, pay into the System Benefits Charge through their local utility company at the site where the work is occurring are ineligible for participation in the program;
- Applicants may not obtain incentives for energy efficiency measures installed before an application is submitted and a CNCP incentive offer is issued by NYSERDA, and
- Energy-efficiency measures must be cost effective.

ADDITIONAL RESOURCES:

More information is available at <http://www.nyserd.org/new-construction>, 1-866-NYSERDA

Carbon Neutral Economic Development Program

Funding Available: Up to \$15 million

DESCRIPTION

The New York State Energy Research and Development Authority (NYSERDA) has \$15 million of incentives available to support economic development projects in New York State. All projects must demonstrate that the project will achieve carbon neutral or net zero energy performance. Projects should also demonstrate how they will help achieve the goals of the Regional Economic Development Council's (REDC's) Strategic Plan or State Priority Issue Areas. Projects located in Long Island are not eligible for this funding.

Only sites that pay into the System Benefits Charge ("SBC") are eligible to apply. To be an SBC eligible project, the project must be a New York State electricity distribution customer of one of the following utilities: Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation. Projects located in Long Island are not eligible for this funding.

Projects may qualify under one of the two following categories

Category A:

The Carbon Neutral Economic Development Program provides eligible New York State commercial, industrial, institutional and mixed-use applicants with incentives on a competitive basis, for the construction of, or renovation to existing, buildings designed to achieve carbon neutral or net zero energy performance. Projects must demonstrate as part of their proposal how the project is replicable to a large number of similar buildings and how the approach is cost effective and reliable.

Incentives are available for the incremental cost of planning, design, construction, and installation of all technologies (as compared to the cost to build/renovate to a code compliant standard) utilized to achieve carbon neutral or net zero energy performance. Project awards will be up to 75 percent of eligible costs or \$2,000,000, whichever is less.

Category B:

The Carbon Neutral Economic Development Program provides eligible communities and owners of large real estate portfolios in New York State (e.g., communities, neighborhoods, campuses or large-scale private developers) with incentives on a competitive basis, for the planning, energy modeling and design necessary to convert the proposed building portfolio to achieve carbon neutral or net zero energy performance. There is no restriction for building types eligible under this category.

incentives are available for the cost of planning, energy modeling, design, technical analysis, and other soft costs as approved by NYSERDA, of community-level, campus, or large private developer projects to achieve carbon neutral or net zero energy performance. Project awards will be up to 75 percent of the eligible costs, with a minimum project award amount of \$1,000,000 and a maximum project award amount of \$5,000,000. To qualify for this Category, projects must include at least 1 million square feet (of new construction or rehabilitation), or a total project implementation cost of at least \$50 Million.

ELIGIBLE TYPES OF APPLICANTS

Eligible Applicants include, but are not limited to:

- Commercial Facilities
- Warehouses and Distribution Centers
- Restaurants, Breweries, Vineyards, and Distilleries
- Retail (must show alignment with Regional Priorities)
- Food Processing Facilities
- Colleges and Universities
- Healthcare Facilities
- Agricultural Facilities
- Municipalities (Local Government)
- State Agencies & Other State Government
- Not-for-profit Corporations
- Private Developers
- Mixed Use Facilities

The eligible Applicant for Category A projects is defined as the Site Owner. The eligible applicant for Category B projects is defined as the Site Owner when the entire project site is owned by a single entity. However, for Category B projects that have multiple Site Owners, the eligible Applicant may be the municipality, a business district, community organization, or other entity that can represent the combined interests of the site owners within the community. To be accepted as an aggregator of multiple site owners within the community, the aggregator must have letters of commitment from the site owners being represented.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS

Category A:

Carbon neutral performance, for Category A projects is defined as a building that is highly efficient, has no use of fossil fuels (excluding emergency generation) and its operation does not contribute to carbon emissions. For Category A projects choosing to pursue net zero energy performance, project performance will be defined as a highly energy-efficient, all-electric facility where the actual annual energy used on-site is less than or equal to the on-site renewable energy produced. The use of fossil fuels on site will result in a project not achieving carbon neutral or net zero energy performance, however, if fossil fuels must be utilized for a project due to energy requirements for an industrial process or for unregulated loads, NYSERDA may consider an exemption at its sole discretion. To be considered, the Applicant must explain the rationale for continuing to use fossil fuels and demonstrate that there is not an all-electric process that can replace the fossil fuel usage. In this instance, NYSERDA will consider the project's use of the US Department of Energy's publication of A Common Definition for Zero Energy Buildings in determining eligibility based on off-setting carbon-emitting fuels with additional renewable energy production. If the project is seeking to meet the net zero energy level of performance and the site cannot accommodate some or all of the renewable energy required for the project, the eligible Applicant may propose to utilize long-

term contracts for off-site renewable electricity generation (the electricity generated as part of these contracts must end up in the New York Control Zone to be considered eligible). Electric vehicle (EV) charging stations are strongly encouraged to be included in projects. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

Incentives will be paid for the incremental cost to design and build the project to carbon neutral or net zero energy performance above the cost of building or renovating to the applicable New York State Energy Conservation Construction Code (e.g., the cost of installing a ground source heat pump to heat and cool the building, less the cost of installing a code-minimum heating and cooling system, etc.). The calculation of incentives will include all design and technologies that contribute to the building achieving carbon neutral or net zero energy performance (e.g., energy efficiency, renewable energy, battery storage, electric vehicle charging infrastructure, etc.), less incentives for clean heating or renewable energy systems provided by NYSERDA or utility programs. Applicants selected for award under this opportunity, will be ineligible to apply for other NYSERDA or utility energy-related incentives for new construction or energy analysis measures. Applicants applying for NYSERDA's Carbon Neutral Economic Development Program incentives must clearly describe the scope, schedule and budget for the project. The proposal should also include description of how the balance of the project will be funded or financed.

While NYSERDA may at its discretion consider some design costs that occur prior to award to be eligible, all physical work conducted to make capital improvements to the facility prior to an award will not be eligible for cost-sharing. Costs associated with work conducted to submit a proposal to this program are not eligible for reimbursement.

Applicants must commit to marketing and public awareness efforts regarding the carbon neutral attributes of their project. As such, the applicant is required to submit a marketing plan that will be implemented by the proposer, if selected, and explain how the plan will generate public interest in and demand for advanced clean energy and climate resilient buildings beyond and in addition to NYSERDA's promotional activities. Selected proposers are expected to cooperate with NYSERDA in the development of other promotional materials, such as but not limited to website, magazine articles, books, blogs, or videos. NYSERDA credits the project name, site owner(s) in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market the winning projects as NYS Carbon Neutral Economic Development projects or a similar reference.

Category B

Carbon neutral performance, for Category B projects is defined as highly energy efficient all-electric facilities, which have no use of fossil fuels (excluding emergency generation) and the operation of the facilities do not contribute to carbon emissions. For Category B projects choosing to pursue net zero energy performance, project performance will be defined as highly energy-efficient all-electric facilities within a project boundary where the actual annual energy used within the project boundary is less than or equal to the renewable energy produced within the project boundary. If fossil fuels must be utilized for a facility within the boundary due to energy requirements for an industrial process or for unregulated loads, the Applicant must explain the rationale for continuing to use fossil fuels and demonstrate that there is not an all-electric process that can replace the fossil fuel usage. In this instance, it is expected that the project will include a study of renewable energy measures in accordance with the project's use of the US Department of Energy's Common Definition of Zero Energy Buildings based on off-setting carbon-emitting fuels with additional renewable energy production. If the project site cannot accommodate some or all of the renewable energy for the

project loads within the project boundary, the Applicant is encouraged to propose to utilize long-term contracts for off-site renewable electricity generation (the electricity generated as part of these contracts must end up in the New York Control Zone to be considered as part of the project).

Electric vehicle (EV) charging stations are strongly encouraged to be included in communities, campuses, and large portfolio developments. However, it is not required that loads related to EV charging be included in the determination of net zero energy performance.

Incentives will be paid for the incremental cost to plan and/or design a Community, Campus, or large real estate portfolio project to achieve carbon neutral or net zero energy performance. It is expected that all projects that receive planning and design funds through Category B of this program will apply to NYSERDA and utility programs at a future date for incentives to co-fund the actual installation costs of project measures. However, projects shall not apply to NYSERDA or utility programs for planning, design, or analysis work included in the scope of work through this program, if selected. Applicants applying for NYSERDA's Carbon Neutral Economic Development Program incentives must clearly describe the scope, schedule and budget for the project. The proposal should also include description of how the balance of the project will be funded or financed.

Applicants must commit to marketing and public awareness efforts regarding the carbon neutral attributes of their project. As such, the applicant is required to submit a marketing plan that will be implemented by the proposer, if selected, and explain how the plan will generate public interest in and demand for advanced clean energy and climate resilient buildings beyond and in addition to NYSERDA's promotional activities. Selected proposers are expected to cooperate with NYSERDA in the development of other promotional materials, such as but not limited to website, magazine articles, books, blogs, or videos. NYSERDA credits the project name, site owner(s) in all promotional material. Awardees are expected to participate in presentations. NYSERDA reserves the right to brand and market the winning projects as NYS Carbon Neutral Economic Development projects or a similar reference.

It is expected that Applicants applying for Category B funding shall make a public commitment to decarbonize their community, campus, or large real estate portfolio, to publicize their pursuit of a carbon neutral goal, if the project is awarded through this program.

GRANT FUNDS MAY BE USED FOR COSTS ASSOCIATED WITH THE FOLLOWING CATEGORIES

Category A:

- Planning, Design, Energy Modeling and Integrated Project Delivery
- Energy Efficiency Improvements
- Upgrades and Appliances Necessary for Electrification
- On-site Renewable Energy Systems (photovoltaics, wind, or solar thermal), less applicable program incentives
- Advanced Controls to Enable Building-Grid Interactivity
- Ground-Source or Air-Source Heat Pumps, less applicable program incentives
- Electric Vehicle Charging Stations, less applicable program incentives
- Battery and Thermal Storage Systems, less applicable program incentives
- Commissioning
- Or other efficiency or renewable energy technologies, as determined by NYSERDA.

Category B:

- Master/Comprehensive/Site Plan as it pertains to design and energy performance
- Design as it pertains to energy performance or other work necessary to achieve a carbon neutral site
- Energy Modeling, Benchmarking and Technical Analysis
- Development of Zoning Ordinances
- Creation of Bid Documents
- Technical Guidelines & Training for overseeing the installation of energy efficiency measures, renewable energy, energy storage and electric vehicle charging infrastructure
- Case Studies

All Applicants:

At NYSERDA's sole discretion, NYSERDA may determine additional costs to be eligible if the Applicant is able to demonstrate to NYSERDA's satisfaction that these additional cost categories were specifically necessary to achieve net zero energy or carbon neutral performance as compared to what would have been necessary to complete a project that complied with New York State Energy Conservation Construction Code, or otherwise result in significant CO₂ savings at the site

INELIGIBLE APPLICANTS AND ACTIVITIESCategory A:

- Heavy Industrial Facilities,
- Sites that do not pay into the System Benefits Charge, and
- Applicants may not obtain incentives through this program for measures installed before an application is approved.

Category B:

- Applicants receiving an award from this opportunity may not obtain incentives through other NYSERDA or utility programs for any of the same planning or design work conducted under this program, however, it is assumed that applicants will be eligible for and receive utility and NYSERDA incentives for the capital costs associated with implementation;
- Sites that do not pay into the System Benefits Charge, and
- Applicants may not obtain incentives through this program for planning and design development, or measures installed, before an application is approved.

ADDITIONAL RESOURCES

For more information, applicants should contact the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203, call (518) 862-1090 ext 3004, email LoriNC@nyserd.ny.gov or visit: <https://www.nyserd.ny.gov/>.

Commercial and Industrial (C&I) Carbon Challenge

Funding Available: Up to \$15 million available

DESCRIPTION

The New York State Energy Research and Development Authority (NYSERDA) has \$15 million of incentives available in two categories to support clean energy project portfolios for large Commercial and Industrial customers across New York State. All projects must demonstrate carbon emissions savings and be installed within a 3-year implementation period. Eligible projects include, but are not

limited to, energy efficiency improvements, retrofits, clean heating and cooling, carbon capture, utilization and storage, industrial process emission reduction, and on-site renewable energy systems. The purpose of the funding available in this program is to achieve cost-effective carbon emission reduction by providing large customers with flexible funding streams.

The Commercial and Industrial (C&I) Carbon Challenge provides eligible New York State commercial, industrial, and institutional applicants with incentives on a competitive basis. Applicants are required to identify a carbon savings goal and the projects they will complete to meet that target. Available awards range from \$500,000 to \$5 million. Award amounts are determined by the size of the carbon savings goal.

Projects may qualify under one of the two following categories:

Category A - \$10 million in funding available

Proposals in which 30% or more of the carbon savings goal derive from low-carbon fuels, carbon capture, utilization, and storage, industrial process emission reduction, and/or beneficial electrification projects

- Beneficial electrification is defined for the purposes of this program as the utilization of electricity for activities that would otherwise consume fossil fuels.
- Industrial process emissions are those generated from physical or chemical changes to materials in the manufacturing process, unrelated to the consumption of energy
- Applicants will indicate on Attachment B whether a particular project is a category A eligible project, but the ultimate determination of whether a project fits this designation is at NYSERDA's sole discretion.

Category B - \$5 million in funding available

All other proposals fall into Category B.

NYSERDA reserves the right to move funding from one category to another based upon proposal submissions.

ELIGIBLE TYPES OF APPLICANTS

Eligible Applicants include, but are not limited to:

- Colleges and Universities
- Food and Beverage Processing
- Health Care Facilities
- Manufacturing
- Mining and Extraction
- Municipal Facilities
- Multifamily Residential
- Not-For-Profit and Private Institutions
- Office Buildings
- Public and Private K-12 Schools
- Retail
- State and Local Governments
- Warehouse and Distribution Facilities
- Wastewater Treatment Plants

While third party advisors or consultants are permitted to assist in preparing applications, they are not an eligible applicant.

Applicants implementing projects for customers or at 3rd party sites in order to scale the impact of an emissions reduction solution will be eligible provided they meet all pre-application requirements.

ELIGIBLE ACTIVITIES / PROGRAM BENEFIT REQUIREMENTS

Grant funds may be used for any energy or industrial-process related projects that can reduce carbon emissions. These actions include, but are not limited to:

- Energy Efficiency Improvements
- On-site Renewable Energy Systems (photovoltaics, wind, or solar thermal)
- Ground-Source or Air-Source Heat Pumps
- Battery Storage
- Carbon Capture, Utilization, and Storage
- Process Emission Reduction
- Low-Carbon Fuel Use
- Other efficiency or renewable energy technologies.

For certain carbon reduction measures, awardees will be required to meet NYSERDA minimum quality standards and work with NYSERDA approved participating contractors, where applicable.

More information on approved contractors can be found here:

<https://www.nyserdanyc.gov/Contractors/Find-a-Contractor>

Selected applicants will work with NYSERDA to develop a 4-year contract agreement commencing in 2021. All carbon reduction projects must be installed within 3 years of agreement execution. The final year will be used to complete any outstanding measurement and verification (M&V), if necessary, and determine final project results.

Awards are determined by the size of the carbon savings goal. As the amount of carbon saved increases, the financial incentives increase. For each ton of carbon reduced, NYSERDA will provide funding according to a marginal rate schedule shown below:

Category A	
mtCO₂e	\$ per mt CO₂e
0 - 25,000	\$20.00
25,000 - 60,000	\$22.00
60,000 - 125,000	\$24.00
125,000 - 200,000	\$26.00
200,000+	\$28.00
Category B	
mtCO₂e	\$ per mt CO₂e
0-50,000	\$11.00
50,000 - 80,000	\$15.00
80,000 - 150,000	\$17.00
150,000 - 250,000	\$22.00
250,000 - 375,000	\$25.00
375,000+	\$26.00

Here is an example of how the award size is calculated: an applicant submits a proposal under Category A that sets a target of reducing 130,000 tons of CO₂ equivalent. The overall award equals

$$(25,000mt \times \$20) + (35,000mt \times \$22) + (65,000mt \times \$24) + (5,000mt \times \$26) = \$2,960,000$$

To provide Applicants with flexible funding, up to 70% of the overall award will be made available as project costs are incurred. NYSERDA and awardees will use the Clean Energy Action Plan and monthly meetings to document expected costs and determine funding requirements, ensuring disbursements are proportional to all project costs anticipated through the Clean Energy Action Plan and align with progress toward carbon savings goal. Participants will be required to provide NYSERDA with invoices for incurred costs and remittance of payment will be at the discretion of the Project Manager.

All remaining funds will be awarded upon completion of M&V conducted by a third-party evaluator and will be subject to readjustment based on the participant's performance relative to their stated carbon savings goal according to the marginal rate schedule.

Projects that receive an award under the C&I Carbon Challenge program will not be eligible to apply for any other efficiency or renewable energy incentives from NYSERDA or the proposer's utility. However, Applicants that are not awarded incentives through this competitive selection process may be eligible to participate in other NYSERDA or utility programs as applicable.

NYSERDA will have discretion to accept only a portion of the submitted portfolio of projects for funding. Any individual project(s) not selected for funding will still be eligible for alternative NYSERDA or utility incentive program funding.

ADDITIONAL RESOURCES

For more information, applicants should contact Sean Mulderrig at the New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203, call (518) 862-

1090 ext 3804. email sean.mulderrig@nyserda.ny.gov or visit: <https://www.nyserda.ny.gov/All-Programs/Programs/CI-Carbon-Challenge>.

New York Power Authority

ReCharge New York

Amount available: Up to 22 Megawatts (availability as of 4/1/21)

Description:

ReCharge New York (RNY) is a statewide economic development power program designed to retain or create jobs through allocations of lower cost electricity to businesses and Not-for-Profit Corporations. There is also power available to be allocated to businesses that plan to expand operations in the state or are looking to relocate to New York State. The RNY power program is a valuable tool for promoting economic development within the state. Businesses and Not-for-Profit Corporations are eligible to apply. The program is not available to sports venues, retail businesses, gaming or entertainment related establishments, and places of overnight accommodations.

Allocations of ReCharge New York power will be awarded based on a competitive application process based on legislative criteria. Recommended allocation awards must be approved by the Economic Development Power Allocation Board and the New York Power Authority Board of Trustees. Allocations of RNY power (in kW) will be delivered after the execution of a contract. The contract could be a term of up to seven years and will specify employment commitments and other terms and conditions for retaining the RNY power allocation.

For more information, eligible applicants should call the ReCharge New York Hotline at 888-JOBSNYS (888-562-7697) or email PoweringBusiness@nypa.gov.

New York State Department of Environmental Conservation

Climate Smart Communities Grant Program

Funding Available: Up to \$11 million

Program Description

The Climate Smart Communities (CSC) Grant Program provides funding for municipalities to address climate change mitigation (reduction of greenhouse gas emissions) and climate change adaptation (reduction of risk associated with climate change hazards) at the local level. Projects are divided into two categories.

1. **Implementation:** These projects either reduce greenhouse gas (GHG) emissions from the non- power sector (e.g., transportation, refrigerants, food waste) or reduce risks to residents, infrastructure, and/or natural resources from hazards linked to climate change (e.g., cooling centers, flood plain restoration, reduction of flood risk)
2. **Certification:** This category includes inventories, assessments, and planning projects

that build local capacity to respond to climate change. These projects also move municipalities toward being designated as certified Climate Smart Communities, if they choose to become certified.

Per New York State (NYS) Environmental Conservation Law § 54-1511(3), a local match equal to 50% of total eligible project costs is required. For example, a project with an eligible total cost of \$100,000 is eligible for a \$50,000 grant and the grantee must provide a \$50,000 local match.

CSC grants are reimbursement based. see Reimbursements and Reporting section of this request for applications (RFA) for additional details

Eligibility

Eligible Applicants

All municipalities in the State of New York are eligible to apply for funding in response to this request for applications (RFA). For the purpose of this RFA and pursuant to 6 NYCRR § 492-1.1(j), a municipality is defined as a county, city, town, village, or borough (referring only to Manhattan, Bronx, Queens, Brooklyn, and Staten Island) residing within New York State.

Political subdivisions such as municipal corporations, school districts, district corporations, boards of cooperative educational services, fire districts, public benefit corporations, industrial development authorities, and similar organizations are **not eligible** to apply in response to this RFA.

Applicants do not need to be a certified or registered CSC or be working toward CSC certification to apply in response to this RFA.

Two or more municipalities, or one municipality and a quasi-governmental entity or non-profit organization, may collaborate on a project; however, the applicant must be a municipality. See the Partnerships section of this RFA for more details.

Applicants may submit several applications, but no more than one application may be submitted for the same project or project location.

Eligible Project Types and Funding Levels

There are two different project categories within the CSC grant program – implementation and certification. The implementation category is divided into two subcategories, implementation-mitigation and implementation-adaptation. Each category and subcategory is detailed below. Proposed projects must demonstrate an ability to identify, mitigate and/or adapt to climate change vulnerability and risk or demonstrate potential to reduce greenhouse gas emissions outside the power sector, as per ECL 54-1507. Projects must result in a climate benefit to be eligible.

Implementation Projects

Eligible implementation projects must be non-power sector GHG mitigation or climate change adaptation projects as described below and be located within the State of New York. The expected useful life of an implementation project is a minimum of 10 years, pursuant 6 NYCRR section 492-3.3(e).

Total available - up to \$10 million

Minimum grant award - \$50,000

Maximum grant award - \$2,000,000

For construction and infrastructure projects, design and engineering expenses are limited to a maximum of 15% of the grant request.

For projects with outreach or educational components, curriculum or program development expenses are limited to 15% of the grant request.

No more than 50% of the total available funds for implementation projects will be awarded to municipalities with populations greater than 100,000 or to any single municipality.

If funding in the implementation category remains after all awards in the implementation category are made based on eligibility, program requirements and goals, and passing score, DEC reserves the right to apply the remaining funding to eligible proposals in the certification category.

Implementation-Mitigation Projects

Eligible projects in the implementation-mitigation category must provide a reduction in GHG emissions from the non-power sector. Implementation-mitigation projects shall be one of the following types:

1. **Reduction of Vehicle Miles Traveled (VMT).** Transportation is the largest source of GHG emissions in NYS. Reducing the single-occupancy vehicle trips for daily needs will reduce GHG emissions. Reduction of VMT projects include, but are not limited to the following:
 - Construction of on-road or off-road facilities for non-motorized forms of transportation that facilitates commuting or access to daily needs.
 - Implementation of transit improvements that have the potential to substantially increase ridership, improve access to daily needs, and/or increase commuting by mass transit.
 - Implementation of projects or programs such as densification or implementation of smart-growth strategies to reduce the distance commuted in single occupancy vehicles.
2. **Reduction of Organic Waste.** These projects divert food waste and other organic material from landfills where it produces methane. Projects include, but are not limited to the following:
 - Implementation, expansion, or piloting of education and outreach programs to prevent wasted food and reduce the volume of surplus food in the community (i.e., source reduction at the consumer level), thereby increasing the diversion of food waste from landfills.
 - Increasing edible food donated to the hungry, e.g., establishment or expansion of food-donation programs, purchase and installation of storage equipment for food, purchase and use of edible-food collection vehicles, and infrastructure for the storage and management of edible food.
 - Implementation, expansion, or piloting of a food-waste pick-up service for residents, businesses, institutions, or municipal facilities to be repurposed as animal feed or composted at an organics recycling facility.
 - Construction of new (or the expansion of existing) facilities to process

food scraps via anaerobic digesters (e.g., at wastewater treatment facilities) or composting.

3. **Refrigerant Management.** Refrigeration and cooling systems contain GHGs that are many times more potent than carbon dioxide at trapping heat in the atmosphere. Leakage of the refrigerants is a regular occurrence from heating, ventilation, and air conditioning (HVAC) equipment, refrigerators, ice rinks, chillers, window air conditioners, and dehumidifiers. Municipalities can reduce or eliminate the harm caused by refrigerants by converting to zero or low global warming potential (GWP) alternatives, instituting leak management systems and repair plans, or providing for the proper disposal of appliances in the community. See [https://www.dec.ny.gov/docs/administration_pdf/cscrefrig\(1\).pdf](https://www.dec.ny.gov/docs/administration_pdf/cscrefrig(1).pdf) for additional information regarding refrigerants and <https://meetny.webex.com/recording/service/sites/meetny/recording/ae5732c2551a49d0b5570059dc26f447?playback> for a CSC webinar on refrigerant management. Projects in this category include, but are not limited to the following:

- Replacement or retrofit of refrigeration equipment, chillers, or air-conditioning equipment (such as window units) with alternative refrigerants that have a GWP of 700 or lower. Currently, systems that run on ammonia have the lowest GWP, but other options may be available. Lists of alternative refrigerants and their GWP can be found online on the United States Environmental Protection Agency website at <https://www.epa.gov/snapp/substitutes-refrigeration-and-air-conditioning>, among others. Applicants should contact potential vendors to determine the available options for low-GWP alternatives in different types of equipment and examine the technical documentation for the associated equipment.
- Installation of refrigerant leakage monitoring equipment and establishment of a monitoring and repair plan.
- Establishment of disposal programs to recover and recycle refrigerants, including those from automobiles, or properly dispose of equipment containing refrigerants. (For example, see <https://www.epa.gov/rad/>.)
- Adoption of codes to enable and encourage the use of alternative refrigerants or requirements for proper monitoring, repair, and disposal of refrigerants.
- Implementation of education and outreach programs for residents and local businesses regarding the reduction of GHG emissions from refrigerants.
- Evaluation of local government operations for opportunities to reduce refrigerant emissions including, but not limited to, an inventory of equipment, refrigerants used, maintenance schedules, leak rates, and alternatives. The evaluation must include a list of recommendations and actions to be taken by the local government to implement a leakage control, retrofit, or replacement program.
- Implementation of a comprehensive refrigerant management program for the municipality (which should include above components, including procurement of new equipment, installation of new equipment, maintenance of new and existing equipment, and disposal). (For more

information, see <https://www.epa.gov/rad> ,
https://www.sustainablepurchasing.org/wp-content/uploads/2020/09/2020.09.29_Climate_Friendly_Refrigerants_Action_Team_FINAL.pdf , and
<https://www.climatefriendlycooling.com/about.html> .)

Implementation-Adaptation Projects

Eligible adaptation project types include any project designed to provide a meaningful reduction of risk to residents, infrastructure, and/or natural resources from hazards projected to become more severe or frequent as a result of climate change. Such projects include, but are not limited to the following:

- Increasing or preserving natural resilience, such as construction of living shorelines and other nature-based landscape features to decrease vulnerability to the effects of climate change and to improve or facilitate conservation, management, and/or restoration of natural floodplain areas and/or wetland systems.
- Flood-risk reduction, including but not limited to, strategic relocation or retrofit of climate-vulnerable critical municipal facilities or infrastructure to reduce future climate change-induced risks to those facilities.
- Replacing or right-sizing flow barriers, including but not limited to, right-sizing bridges or culverts, or improving flow barriers to facilitate emergency response or protection of population centers, critical facilities, infrastructure, and/or natural resources, based on assessment of projected future conditions. Such projects should include information on upstream occurrences that may be contributing to the problem, potential downstream impacts of the proposed project, and overall watershed assessment of the waterbody. Impacts must be due to climate change and not the result of deferred maintenance.
- Extreme-heat preparation including, but not limited to, establishment of cooling centers, construction of permanent shade structures, and implementation of other cooling features or programs. Cooling center projects requesting funding to purchase new equipment must purchase equipment with GWP of 700 or lower. See #3 Refrigerant Management in the mitigation category for additional information. Generators associated with a cooling center must be powered by means other than fossil fuels to qualify for grant funding or match.
- Emergency preparedness, including, but not limited to, establishment of emergency warning systems or implementation of emergency preparedness and/or response programs (excluding radio communications). Applications requesting funding for a generator must meet the following requirements: 1) the generator installation must be a component of a larger adaptation project, and 2) the generator must be powered by means other than fossil fuels. Hydrogen fuel cell powered generators must be powered by hydrogen produced through electrolysis, either created on-site or delivered.
- Enrollment in and completion of activities that are part of the Federal Emergency Management Agency (FEMA) Community Rating System (CRS) program.

Certification Projects

Certification projects focus on assessments, inventories, and planning activities that are part of becoming a certified Climate Smart Community. Only the certification actions

listed below are eligible for grant funding. These actions create a foundation from which the community may institutionalize adaptation to climate change and mitigation of GHG emissions. They also provide a basis for future grant applications in the implementation category.

Total available – up to \$1,000,000

Minimum grant award - \$10,000

Maximum grant award - \$100,000.

No more than 50% of the total available funds for certification projects will be awarded to municipalities with populations greater than 100,000 or to any single municipality.

If funding in the certification category remains after all awards in the certification category are made based on eligibility, program requirements and goals, and passing score, DEC reserves the right to apply the remaining funding to eligible proposals in the implementation category.

Eligible applications must include completion of at least one of the following CSC certification actions:

- PE2 Action: Government Operations GHG Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/6>
- PE2 Action: Community GHG Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/7>
- PE2 Action: Government Operations Climate Action Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/10>
- PE2 Action: Community Climate Action Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/11>
- PE3 Action: Fleet Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/147>
- PE3 Action: Fleet Efficiency Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/21>
- PE5 Action: Organics Management Plan
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/158>
- PE5 Action: Construction and Demolition Waste Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/57>
- PE6 Action: Comprehensive Plan with Sustainability Elements
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/66>
- PE6 Action: Complete Streets Policy
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/74>
- PE6 Action: Planning and Infrastructure for Bicycling and Walking (Bike and Pedestrian Master Plan only)
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/75>
- PE6 Action: Natural Resources Inventory
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/82>
- PE7 Action: Climate Vulnerability Assessment
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/85>
- PE7 Action: Evaluate Policies for Climate Resilience
<https://climatesmart.ny.gov/actions-certification/actions/#open/action/87>
- PE7 Action: Climate Adaptation Plan

<https://climatesmart.ny.gov/actions-certification/actions/#open/action/88>

- PE7 Action: Heat Emergency Plan

<https://climatesmart.ny.gov/actions-certification/actions/#open/action/91>

Work plans submitted as part of an application for a project under the certification category must include completion of the minimum requirements for the selected certification action(s) as described in the Climate Smart Communities Certification Portal (CSC Portal) action description pages, found at the links above, under subheadings "E How to Obtain Points for this Action" and "F What to Submit."

Fees related to accessing tools for climate change adaptation and GHG mitigation for the duration of the project are reimbursable if directly related to the proposed project (e.g., ICLEI ClearPath, the Temperate tool, GHG software). Approval of these expenses will be made by DEC during application review.

Eligible Expenses for Reimbursement

The following expenses are eligible for reimbursement:

- Personnel Services: Salaries of staff, including fringe, directly devoted to project implementation. Grantees will be required to document date and hours worked and tasks completed via time records.
- Contractual Services: Tasks completed by professional and technical consultants or contractors (e.g., engineering, planning, construction, and legal services) directly related to the project.
- Equipment: Purchase or rental of equipment (e.g., backhoe) directly required to implement the project.
- Travel: Project related travel costs. Mileage will be reimbursed at the current federal rate and lodging at current state per diem rates for the location. Note that consultants should include travel in the overall cost proposal and not bill the grantee separately.
- Supplies and Materials: Supplies and materials are defined as consumable products needed to directly implement the project (e.g., printing, copying, paving material, crushed stone).

Ineligible Expenses

The following expenses are not eligible as match or for reimbursement:

- Costs for purchase of zero-emission vehicles and/or installation of electric vehicle service equipment or other charging or clean vehicle fueling infrastructure. If interested in clean vehicles, charging infrastructure, or hydrogen fuel cell filling station grant opportunities, please see the Grants Gateway at https://grantsgateway.ny.gov/IntelliGrants_NYSSGG/module/nysgg/gportal.aspx and search for zero-emission.
- Costs for the installation of power-sector related GHG emission reductions such as solar panels, heat pumps, etc.
- Salt storage sheds.
- Generators, unless part of a larger adaptation project and powered by means other than fossil fuels.
- Indirect or overhead costs of the municipality. This category includes, but is

not limited to, rent, telephone service, general administrative support, general-use computers, office equipment, general office supplies, and other general operations costs such as memberships and subscriptions (e.g., newspapers, professional and municipal associations). Salaries and other expenses of elected officials, whether incurred for purposes of project direction, execution, or legislation.

- Fund-raising expenses.
- Taxes, insurance, fines, deficit funding, bond interest, and associated fees.
- Contingency costs.
- Federal funds.
- Other NYS grant funds.

Water Quality Improvement Project (WQIP) Program

Funding Available: Up to \$65 million

DESCRIPTION

The Water Quality Improvement Project (WQIP) program is a competitive, statewide reimbursement grant program open to local governments and not-for-profit corporations to implement projects that directly address documented water quality impairments, improve aquatic habitat, or protect a drinking water source. This funding is for construction/implementation projects, not projects that are exclusively for planning.

It is highly recommended that all potential WQIP applicants read the WQIP Program Overview, particularly the section for their project type, in its entirety before applying for WQIP funding.

PROJECT TYPES SUMMARY TABLE

Funding is available for the following project types (see project type sections for all information):

Project Type	Maximum Award	Required Match	Eligible Applicants ¹	Required Attachment(s)
Wastewater Treatment Improvement	\$1,000,000 to \$10,000,000 depending on project subtype	25% (primary and secondary priority projects); or 60% (general wastewater projects) of award amount	Municipalities	Budget worksheet Engineering report Project map Floodplain map Sexual Harassment Prevention Certification Form

¹ The applicant name must exactly match the name of the eligible entity registered in the NYS Grants Gateway. It may not be the name of an individual.

Project Type	Maximum Award	Required Match	Eligible Applicants ²	Required Attachment(s)
Non-Agricultural Nonpoint Source Abatement and Control	\$500,000 to \$3,000,000 depending on project subtype	25% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map Floodplain map See Nonpoint Source section for attachments required for certain project subtypes Sexual Harassment Prevention Certification Form
Land Acquisition for Source Water Protection	\$4,000,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Monitoring and enforcement protocol Project map Floodplain map Fiscal reports (programs only) Sexual Harassment Prevention Certification Form
Salt Storage	\$500,000	50% of award amount	Municipalities Soil & water conservation districts	Budget worksheet Project map Floodplain map Sexual Harassment Prevention Certification Form
Aquatic Connectivity Restoration	\$250,000	25% of award amount	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Landowner agreements as applicable Project map Floodplain map Sexual Harassment Prevention Certification Form

Project Type	Maximum Award	Required Match	Eligible Applicants ²	Required Attachment(s)
Marine District Habitat Restoration	\$750,000	No match required	Municipalities Soil & water conservation districts Not-for-profit corporations	Budget worksheet Landowner agreements as applicable Project map Floodplain map Sexual Harassment Prevention Certification Form Feasibility Study

INELIGIBLE PROJECTS/APPLICATIONS

Applications are ineligible that:

- Do not address water quality impairments, improve aquatic habitat, or protect a drinking water source;
- Are seeking funds for studies, planning, or design only;
- Do not include required attachments (**view the section for your project type for a full list of required attachments**);
- Do not meet the requirements for that project type or subtype;
- Are from not-for-profit organizations that are neither registered nor have a current prequalification in Grants Gateway as of the application deadline;
- Fail to meet the minimum scoring criteria as detailed for each project type in this Program Overview. A project must receive an agency score of at least 30 to be eligible for funding;
- Do not show match and a match source, or use ineligible match sources; or
- Are seeking funds for costs incurred before May 10, 2021 unless the project is a Source Water Protection Project/Program or Aquatic Connectivity Restoration project

Wastewater Treatment Improvement

ELIGIBLE APPLICANTS

- Municipalities²

DESCRIPTION

Funding is available for wastewater treatment improvements to municipal wastewater systems.

² For the purposes of Wastewater Treatment Improvement projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation: a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

Non-Agricultural Nonpoint Source Abatement and Control

ELIGIBLE APPLICANTS

- Municipalities³
- Soil and water conservation districts (excluding Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems project subtype)

DESCRIPTION

Funding is available for non-agricultural nonpoint source projects or programs that improve a documented water quality impairment, or that protect a drinking water source.

Land Acquisition for Source Water Protection

ELIGIBLE APPLICANTS

- Municipalities⁴
- Soil and water conservation districts
- Not-for-profit corporations⁵

DESCRIPTION

Funding is available to purchase land for the purpose of protecting surface or groundwater drinking water supplies

SALT STORAGE

ELIGIBLE APPLICANTS

- Municipalities⁶
- Soil and water conservation districts

DESCRIPTION

Funding is available for projects to construct a permanent structure to cover a salt or a salt/sand mixture storage pile

³ For the purposes of Non-agricultural Nonpoint Source Abatement and Control projects and programs under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. (Environmental Conservation Law §56-0101)

⁴ For the purposes of Land Acquisition for Source Water Protection under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101)

⁵ "Not-for-profit corporation" means a corporation formed pursuant to the not-for-profit corporation law and qualified for tax-exempt status under the federal internal revenue code (Environmental Conservation Law, Article 56-0101 (16))

⁶ For the purposes of Salt Storage projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof (Environmental Conservation Law §56-0101).

AQUATIC CONNECTIVITY RESTORATION

ELIGIBLE APPLICANTS

- Municipalities⁷
- Soil and water conservation districts
- Not-for-profit corporations

DESCRIPTION

Funding is available for projects that improve aquatic habitat connectivity at road/stream crossings or dams.

MARINE DISTRICT HABITAT RESTORATION

ELIGIBLE APPLICANTS

- Municipalities⁸
- Soil and water conservation districts
- Not-for-profit corporations

DESCRIPTION

Projects within the marine district (New York/New Jersey Harbor Estuary Comprehensive Conservation and Management Plan)⁹

Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant

Funding Available: Up to \$3 million

Description

The New York State Department of Environmental Conservation (DEC) will offer grants to local governments and soil and water conservation districts to help pay for the initial planning of non-agricultural nonpoint source water quality improvement projects. DEC will also offer grants to regulated traditional MS4s for mapping.

Those seeking planning grants to support projects to upgrade, repair or replace elements of a wastewater treatment and/or collection system, or the construction of such system for an area

⁷ For the purposes of Aquatic Connectivity Restoration projects under this grant opportunity, "Municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. In the case of aquatic habitat restoration projects, the term municipality shall include the state. (Environmental Conservation Law §56-0101)

⁸ For the purposes of Marine District Habitat Restoration projects under this grant opportunity, "Municipality" means a public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof. In the case of marine district habitat restoration projects, the term municipality shall include the state. (Environmental Conservation Law §56-0101).

⁹ New York/New Jersey Harbor & Estuary Program boundaries within New York State can be found at: <http://www.harborestuary.org/geography.htm>

with failing onsite septic systems, are referred to the New York State DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program

PROJECTS AFFECTING WATER QUALITY IN ENVIRONMENTAL JUSTICE (EJ) AREAS

DEC demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the DEC as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A report for a proposed project that positively impacts water quality in an EJ community, or positively impacts drinking water quality serving an EJ community or is for MS4 mapping of an EJ community will receive points in the evaluation of an application where indicated. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/911.html>

To qualify for EJ points, your application must include details demonstrating water quality improvement to an EJ area or to drinking water serving an EJ community - where the benefit will be provided, the area served by the drinking water source or the exact street location(s) where the MS4 mapping of an EJ community is to be implemented

A. Nonpoint Source Planning Reports (See MS4 category for MS4 mapping project details)

The program aims to get nonpoint source projects ready for construction and to apply for implementation funding.

Award Amounts

Grants of up to \$30,000 are available to finance planning services to produce project planning reports, as outlined in each category. Grants of up to \$75,000 are available for comprehensive stream corridor studies. There is no minimum award amount.

An applicant may submit more than one application. If an applicant receives more than one award, DEC may combine the projects into a single contract. Applicants are limited to a maximum of five (5) Nonpoint Source Planning Report applications per round.

Each application must fit within a single grant category.

Eligible Applicants

- Municipalities¹⁰
- Soil and Water Conservation Districts (excluding Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems)

Nonpoint Source Planning Report Categories

Funding is available for the following six (6) planning report categories:

¹⁰ For the purposes of this grant, "municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof.

1. Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems

Eligible costs:

An engineering feasibility study report for municipally-owned decentralized wastewater treatment facilities in areas with failing on-site treatment systems, including the necessary collection and conveyance system. The decentralized wastewater treatment facility must consist of a subsurface treatment and disposal system designed in accordance with Department standards. Collection may take the form of either a septic tank effluent pump (STEP) or septic tank effluent gravity (STEG), grinder pump or gravity sewer system. An engineering feasibility study report may include conceptual designs and any necessary percolation tests.

2. Green Infrastructure

Eligible reports:

An engineering feasibility study report for projects that: construct green infrastructure to address combined sewer overflows, reduce a pollutant impacting a receiving waterbody, or address a regional water quality issue; or install green infrastructure retrofits designed to capture and remove the pollutant contributing to a water quality impairment. Green infrastructure practices are limited to bioretention, rain gardens, constructed wetlands, porous pavement, green roofs, downspout disconnection, stormwater street trees, stormwater harvesting and reuse, and stream daylighting. All Green Infrastructure projects must be designed in accordance with the 2015 New York State Stormwater Design Manual and must go above and beyond the water quality volume treatment and/or reduction requirements listed in the SPDES Construction General Permit. An engineering feasibility study report must include conceptual designs and infiltration tests, if applicable.

3. Stormwater Retrofits

Eligible reports:

An engineering feasibility study report for projects that: construct stormwater retrofits to reduce a pollutant impacting a receiving waterbody or address a regional water quality issue. Eligible practices are limited to those identified in Chapters 5 and 6 of the 2015 *NYS Stormwater Design Manual*¹¹. All projects must be designed in accordance with the 2015 *NYS Stormwater Design Manual*. An engineering feasibility study report must include conceptual designs and infiltration tests (if applicable) and must include load reduction information.

4. Streambank/Shoreline Stabilization

Eligible Reports:

- An engineering or conceptual design report for qualifying nature-based or "soft engineering" streambank or shoreline stabilization projects to reduce erosion, enhance flood resilience, and improve water quality and riparian/coastal habitats. Streambank or shoreline projects must incorporate natural features and materials alone or in combination with a minimal use of structural components to manage erosion. Streambank/shoreline stabilization projects may include, but are not limited to, natural buffer zones, constructed or restored wetlands, "living" sills or breakwaters, beach and dune restoration and/or nourishment, nature-based stabilization techniques such as tree/rootwad revetments, staking, live crib walls, and

¹¹ New York State Stormwater Design Manual: <https://www.dec.ny.gov/chemical/29072.html>

vegetated geogrids. Rip-rap may only be used in conjunction with natural restoration principles that incorporate vegetative materials.

and/or

- A comprehensive stream corridor assessment study to identify areas of erosion across a watershed area. The comprehensive stream corridor study must be completed for a minimum of a HUC 12 size watershed area and must identify and/or prioritize opportunities for streambank stabilization, riparian buffer restoration, floodplain reconnection and/or culvert replacement and repair. Flood risk assessment and modeling may be included as part of the comprehensive study.

5. *In-Waterbody Controls for Nutrients*

Eligible costs:

- A feasibility study or engineering report for projects that reduce internal loading of nutrients (mainly phosphorus) within waterbodies. Eligible practices to address these issues include: hypolimnetic aeration, aeration destratification systems for polymictic lakes, hypolimnetic withdrawal, and dredging.
- and/or**
- A professional study report that provides justification for use of the best management practice (BMP) recommended by the above feasibility study or engineering report. For destratification systems, the professional study must identify the waterbody as a polymictic lake.
- and/or**
- A written plan report for the long-term operation and maintenance of the BMP recommended by the above professional study or engineering report.

6. *Bathing Beach Restoration*

Eligible costs:

- Beach sanitary survey¹²
- and/or**
- A feasibility study for projects to implement designs recommended in beach restoration green infrastructure design reports. Projects may include, but are not limited to, porous pavement, bioinfiltration/bio-retention, rain gardens, stormwater tree trenches, greenways, beach re-naturalization, beach sand enrichment/nourishment, beach sloping/grading, constructed wetlands.

7. *Stream Culvert Repair and Replacement*

Eligible costs:

- Stream culvert site assessment report for projects to address erosion caused by inadequately sized or failing culverts.
- and/or**
- An engineering feasibility study or engineering design report for stream culvert repair or replacement projects to address erosion.

Requirements for All Planning Reports

- All reports and studies must be prepared by a qualified professional. See table below. For reports and studies prepared by someone other than a professional engineer,

¹²The beach sanitary survey report may provide support for conceptual designs under Grant Category 1, above.

applicants must demonstrate in the application that the preparer is a qualified professional through work experience and/or education

- Reports and studies must be prepared and stamped by a professional engineer when required by New York State Education Law
- All applications must attach a completed Sexual Harassment Prevention Certification Form.

Eligible Costs

- Funding can be used for the preparation of planning reports, feasibility studies, and supplemental costs as listed by grant category.
- Activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of an improvement project.
- Salary and fringe
- Contractual costs
- Travel
- On-site evaluations
- Any necessary environmental review (e.g. SEQR, SHPO, Coastal Consistency) for the recommended project
- Administrative costs

Ineligible costs/reports:

- Reports for projects that have already received Water Quality Improvement Project (WQIP) grant funding
- Costs incurred outside the start and end date of the contract
- Post installation / follow-up monitoring
- Feasibility reports for algaecide use
- Construction costs
- Reports for projects that have already received funding for planning from another State source
- Equipment
- Indirect costs (e.g., space/property rent, utilities and other office supplies)
- Legal fees

B. Municipal Separate Storm Sewer System (MS4) Mapping

Funding can be used to complete comprehensive stormwater system maps. This program category encourages and supports cooperation among regulated MS4s to complete mapping of their stormwater system.

Award Amounts

For MS4s applying as a collaborative, grants of up to \$30,000 per municipality are available for MS4 mapping, with grants of up to \$400,000 available per MS4 collaborative. For MS4 municipalities that must apply alone (see Requirements for All MS4 Mapping section for justification required to apply as single municipality), there is a maximum grant award of \$75,000. There is no minimum award amount. Applicants are limited to one (1) application per round.

Eligible Applicants

- Municipalities¹³
- Soil and Water Conservation Districts
- Regulated traditional MS4s¹⁴

Requirements for All MS4 Mapping

- Mapping must meet the minimum MS4 permit requirements.
- Applicants must participate in an area-wide municipal cooperative stormwater group if one exists. If one does not exist, the application must document the steps that are being taken to develop a group, which must be formed prior to receiving a grant award. In the rare case where a coalition does not exist nor will be established, the application must justify the reasons in the application.
- Funding will be considered for proposals submitted on behalf of multiple regulated MS4s. Only the lead applicant needs to register in the NYS Grants Gateway (<http://grantsreform.ny.gov>). Projects being undertaken by multiple regulated MS4s in the same county or urbanized area will receive additional points. A list of the cooperating MS4s must be provided in the application.
- Applications must include the creation of electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon.
- Basic mapping elements (red in table below) are either required by the NYS Small MS4 General Permit-0-15-003 or considered by DEC to be necessary for effective system management. Therefore, all Basic elements must be completed before grant or match funds can be used for items in the Intermediate or Advanced elements map categories.
- Simultaneous mapping of Basic, Intermediate, and Advanced elements is permitted but any unmapped Basic elements must be included in the application scope of work.
- Information from the W/PWL must be included in the maps/deliverables created.
- Final deliverables must include final map product and final summary report. Required elements for the final deliverables are available at <http://www.dec.ny.gov/pubs/116725.html>

Eligible Costs

- Salary and fringe benefits
- Contractual costs
- Travel
- Administrative costs

Ineligible costs/reports:

- Equipment (e.g., hardware)
- Software or GIS licenses
- Development of materials already available through the cooperative stormwater group

¹³ For the purposes of this grant, "municipality" means a local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, or any combination thereof.

¹⁴ 40 CFR 122.26(b)(16)(i), Small municipal separate storm sewer system means all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that are discharges to waters of the United States

- Operating Expenses
- Indirect costs (e.g. space/property rent, utilities, and other office supplies)
- Legal fees
- Costs incurred outside the start and end date of the contract
- Applications for mapping that do not include the creation of an electronic or GIS system of mapping or specify the use of an already established electronic or GIS system to be expanded upon
- Applications for mapping only Intermediate Elements or Advanced Elements where the applicant and participating MS4s have not completed all requirements in the Basic Elements map category
- Applications that do not attach the Mapping Status Table Worksheet identifying the status of mapping for each of the parties in the cooperative agreement for this project

Environmental Facilities Corporation

Green Innovation Grant Program

Funding Available: \$15 million

The Green Innovation Grant Program (GIGP) provides grants on a competitive basis to projects that improve water quality and mitigate the effects of climate change through the implementation of one or more of the following green practices:

- **Green Stormwater Infrastructure**
- **Energy Efficiency**
- **Water Efficiency**

GIGP projects selected for funding go beyond offering a greener solution. They maximize opportunities to leverage the multiple benefits of green infrastructure, energy efficiency, and water efficiency, build capacity in these environmentally innovative fields, and/or facilitate the transfer of new technologies and practices to other areas of the State.

PROGRAM PRIORITIES:

Climate Change Mitigation: Projects that implement one of the three eligible green practices to reduce the effects of greenhouse gases and/or expand clean energy initiatives.

Environmental Justice: Projects that use green practices to advance the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Integration: Projects that demonstrate the value of integrating green stormwater infrastructure into traditional gray clean water infrastructure projects to provide water quality benefits.

Natural Restoration: Projects that demonstrate the effectiveness of green stormwater infrastructure in a natural environment, such as flood plains, riparian buffers, streams, and wetlands

Transformation: Larger transformative projects that utilize green practices to provide multiple environmental, economic, and social benefits. These projects align with larger goals of the community or region.

Please Note, no more than 2 open GIGP grants are allowed at one time. Eligible applicants may submit more than one grant application. EFC, however, reserves the right to limit GIGP funding to one grant award per applicant. Applicants must prioritize projects if submitting more than one application.

FUNDING OVERVIEW: Up to \$15 million in grants will be available for several types of grants that range in coverage from a minimum of 50% up to a maximum of 90% of total eligible project costs as estimated in the application for planning, design, and construction. A local match for the balance of the estimated project costs is required. See below for more information on types of grants.

Funding will be provided to projects to the extent that funds are available based on the selection criteria, including the specific green practice, water quality impacts of the project, and financial need. EFC, in its sole discretion, may fund all or only a portion of an eligible project and will determine the percentage grant available to any project. The maximum grant amount for an individual GIGP award is \$3 million.

The maximum percentage grant available to a GIGP project will be determined based on the median household income (MHI) of the municipality in which the project is located and whether EFC determines the project serves, protects, or benefits an environmental justice area. Projects in municipalities that meet the following MHI criteria, or that serve, protect, or benefit an environmental justice area will be eligible to receive up to the maximum grant available for the green practice.

- Municipal MHI equal to or less than \$90,000 for communities in the Long Island, New York City and Mid-Hudson Regions
- Municipal MHI equal to or less than \$70,000 for communities in New York State, excluding the Long Island, New York City and Mid-Hudson Regions.

All other awards would be eligible for a maximum grant up to the lesser grant available as set forth under "Funding" under each practice. If a project employs two green practice EFC will determine which maximum applies.

GREEN STORMWATER INFRASTRUCTURE

SUMMARY: Green stormwater infrastructure projects improve water quality by reducing and treating stormwater at its source through infiltration and/or evapotranspiration. Green stormwater infrastructure projects selected for funding go beyond offering a greener

solution. Green stormwater infrastructure practices treat rainwater as a valuable resource to be harvested and used on site, or filtered and allowed to soak back into the ground, recharging our aquifers, rivers and streams. The plants used in green stormwater infrastructure help to cool our surroundings and improve air quality through the process of evapotranspiration. These green practices have multiple benefits, which include restoring habitat, protecting against flooding, providing cleaner air, and beautifying our streets to spur economic development and community revitalization.

FUNDING: The maximum percentage grant is up to 90% of eligible project costs for a green stormwater infrastructure project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other green infrastructure projects are eligible to receive up to a maximum of 75% of total eligible project costs.

ELIGIBLE APPLICANTS:

- Municipalities
- Private Entities
- State Agencies
- Soil and Water Conservation Districts

ELIGIBLE ACTIVITIES:

Regional Green Stormwater Infrastructure projects utilize green stormwater infrastructure to restore natural landscape features, such as flood plains, riparian buffers, streams, and wetlands. These natural features provide water quality benefits and enhance watersheds, while preserving wildlife and their habitat.

Local Green Stormwater Infrastructure projects are typically located in an urban environment and consist of site and neighborhood specific practices, such as bioretention, cisterns, downspout disconnections, green roofs, green walls, permeable pavements, stormwater street trees, and urban forestry programs.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012).

APPLICATION REQUIREMENTS: All applicants must submit a conceptual site plan, existing conditions plan, a feasibility study, and site photographs with their Consolidated Funding Application (CFA). Minimum content requirements for the feasibility study, conceptual site plan, and existing conditions plan, are included in the CFA and can also be found at: www.efc.ny.gov/gpp

Applicants should refer to the New York State Stormwater Management Design Manual: <http://www.dec.ny.gov/chemical/29072.html> for design guidance.

INELIGIBLE ACTIVITIES/COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Hardening, channelizing, or straightening streams and/or stream banks
- In-line and end-of-pipe treatment systems that only filter or detain stormwater

- Stormwater controls that have impervious or semi-impervious liners and provide no compensatory evapotranspirative or harvesting function for stormwater retention
- Stormwater conveyance systems that are not soil/vegetation based (swales) such as pipes and concrete channels
- Stormwater ponds that serve an extended detention function and/or extended filtration including dirt-lined detention basins
- Underground stormwater control and treatment devices such as swirl concentrators, hydrodynamic separators, baffle systems for grit, trash removal/floatables, oil and grease, inflatable booms and dams for in-line underground storage and diversion of flows
- Practices implemented to comply with the requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002
- Wetlands construction or restoration required as compensation (mitigation) for adverse impacts to wetlands or other environmental damage caused through construction activities
- Purchase of capital equipment such as street sweepers, sewer cleaners, and vacuum trucks
- Project costs not directly related to water quality, including asbestos abatement and site amenities, e.g., bus shelters, benches, light poles, traffic devices

ENERGY EFFICIENCY

SUMMARY: Energy Efficiency projects improve technologies and/or practices to reduce the energy consumption of water quality projects, use energy in a more efficient way, or produce/utilize renewable energy

FUNDING: The maximum percentage grant is up to 75% of eligible project costs for an energy efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other energy efficiency projects are eligible to receive up to a maximum of 50% of total eligible project costs

ELIGIBLE APPLICANTS: Publicly Owned Treatment Works (POTW)

ELIGIBLE ACTIVITIES:

Renewable Energy projects such as wind, solar, micro-hydroelectric, and biogas combined heat and power systems (CHP) that provide power to a POTW. POTW renewable energy projects can be located onsite or offsite. These projects include the portion of a publicly owned renewable energy project that serves the POTW's energy needs. The project must feed into the grid from which the utility draws and/or must be directly connected to the grid.

Energy Efficient Replacement projects achieve at least a 40% reduction in energy consumption through the replacement of equipment with energy efficient equipment. These projects must compare the energy used by the existing system or unit process to the

proposed project. The energy used by the existing system should be based on name plate data when the system was first installed, recognizing that the old system is currently operating at a lower overall efficiency than at the time of installation. New POTW projects or capacity expansion projects should be designed to maximize energy efficiency and should select high efficiency premium motors and equipment where cost effective.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012).

APPLICATION REQUIREMENTS: All applicants must submit an engineering report consistent with the DEC/EFC Engineering Report Outline, and Flex Tech report if available, with their CFA.

INELIGIBLE ACTIVITIES / COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Renewable energy generation by a privately owned facility or the portion of a publicly owned renewable energy facility that does not provide energy to a POTW, either through a connection to the grid that the utility draws from and/or a direct connection to the POTW.
- Replacing a pump or other piece of equipment because it is at the end of its useful life, with something of average efficiency.
- Facultative lagoons, even if integral to an innovative treatment process.

WATER EFFICIENCY

DESCRIPTION: Water Efficiency projects use improved technologies and/or practices to deliver equal or better services with less water. Water efficiency encompasses conservation and reuse efforts, as well as water loss reduction and prevention, to protect water resources for the future.

FUNDING: The maximum percentage grant is up to 75% of eligible project costs for a water efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other water efficiency projects are eligible to receive up to a maximum of 50% of total eligible project costs.

ELIGIBLE APPLICANTS: Municipalities

ELIGIBLE ACTIVITIES:

Water Meter Installation projects provide for the purchase and installation of water meters in previously unmetered areas. These projects can include backflow prevention devices if installed in conjunction with water meters.

Water Meter Replacement projects include the replacement of existing broken/malfunctioning water meters or upgrading existing meters with automatic meter

reading systems (AMR), smart meters, meters with built in leak detection, or backflow prevention devices if installed in conjunction with water meter replacement.

Water Meter Retrofit projects add AMR capabilities or leak detection equipment to existing meters (not replacing the meter itself).

Water Reuse projects recycle gray water, condensate, and wastewater effluent to reduce potable water consumption.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012)

APPLICANT REQUIREMENTS: All applicants must submit an engineering report consistent with the DEC/EFC Engineering Report Outline with their CFA.

INELIGIBLE ACTIVITIES / COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Replacing drinking water distribution lines.
- Leak detection equipment for drinking water distribution systems.

ADDITIONAL RESOURCES:

For more GIGP program information, visit: <http://www.efc.ny.gov/gigp>

NYS EFC Wastewater Infrastructure Engineering Planning Grant Program

Funding Available: Up to \$2.5 Million

Description

The New York State Environmental Facilities Corporation (EFC) will offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects. Up to \$2.5 million has been made available for this round of the Wastewater Infrastructure Engineering Planning Grant (EPG) program.

Grants of up to \$100,000¹⁶ are available to municipalities to fund engineering and planning to produce an engineering report.

The goal of the EPG program is to encourage communities to advance water quality projects to design and ultimately construction by funding the development of an engineering report so the community may be prepared to seek financing through the CWSRF program, Water Quality Improvement Project program, or other funding entities to further pursue the identified solution.

¹⁶ See the "Grant Award Details" section of this document for details of funding amounts.

Eligible Applicants

- Municipalities as defined in the Definitions section of this document with median household income (MHI):
 - Equal to or less than \$70,000 according to the United States Census, 2017 American Community Survey for municipalities located in Regional Economic Development Council (REDC) regions of Capital District, Southern Tier, North Country, Mohawk Valley, Central NY, Finger Lakes, or Western NY; or
 - Equal to or less than \$90,000 according to the United States Census, 2017 American Community Survey for municipalities located in REDC regions of Long Island, New York City and Mid-Hudson.

A summary of the United States Census, 2017 American Community Survey MHI data can be found on the EPG page on the EFC website at www.efc.ny.gov/epg. An income survey for the service area of the project that has been approved by EFC within the past five years may be used in place of the 2017 census data.

- Municipalities may have no more than two active EPG awards at the same time. An active EPG award includes a project that has been awarded funding and is awaiting an executed grant agreement or currently has an executed grant agreement with EFC that does not have an accepted engineering report.

Eligible Activities

Funding must be used by municipalities for the preparation of an engineering report.¹⁵ This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project. In addition, the costs to conduct an environmental review for the recommended alternative are eligible. Design and construction costs are not eligible.

Priority will be given to municipalities whose planning activities are:

- required by an executed DEC Order on Consent, or
- required by a NYS Department of Environmental Conservation (DEC) draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection), or
- for upgrading or replacing an existing wastewater system; or
- for constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
- addressing a pollutant of concern in a watershed implementation plan (see Definitions section).

Requirements

The report must follow EFC/DEC's current Engineering Report Outline, consider storm and flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other

¹⁵ See the "Definitions" section of this document for specific information on the required contents of the engineering report.

extreme weather event)¹⁷, consider impacts on environmental justice areas, and include a comprehensive analysis of the following alternatives:

- No-action alternative
- Green infrastructure, in combination with gray infrastructure or individually, is required for projects involving stormwater, including stormwater inflow to sewer systems. A justification must be provided if a green infrastructure component is not part of the recommended alternative.
- Repair or replacement versus new construction
- Regional consolidation opportunities
- Centralized versus decentralized (for new systems), or a combination thereof (small cluster or individual systems)

Any alternatives considered technically infeasible should be identified as such and the rationale briefly discussed.

Smart Growth alternative(s) must be considered and documented in the engineering report. Find more information regarding Smart Growth at <https://www.efc.ny.gov/smartgrowth>

Projects Affecting Water Quality in Environmental Justice (EJ) Areas

New York State demonstrates a commitment to Environmental Justice (EJ) and remedies for communities that may be burdened by negative environmental consequences. Environmental justice is defined by the State as the fair treatment and meaningful involvement of all people, regardless of race, color or income, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. A report for a proposed project that positively impacts water quality in an EJ community or will positively impact drinking water quality serving an EJ community will receive points in the evaluation of an application where indicated. Maps of EJ areas in New York State are available at: <http://www.dec.ny.gov/public/911.html>.

To qualify for EJ points, your application must include details demonstrating water quality improvement to an EJ area or to drinking water serving an EJ community - where the benefit will be provided or the area served by the drinking water source

Ineligible Planning Activities

- Projects that would not lead to the restoration or protection of a surface waterbody or groundwater.
- Projects that do not address improvements to a publicly owned treatment works.¹⁸

¹⁷ Must be consistent with the NYS Community Risk and Resiliency Act provisions and implementation guidance, which can be found at: <https://www.dec.ny.gov/energy/102559.html>.

¹⁸ In accordance with the laws, rules and regulations governing the CWSRF, projects defined in the federal Clean Water Act - Section 212 as treatment works must be publicly owned. See the "Definitions" section of this document on what is considered an eligible publicly-owned treatment works activity.

- Projects and scope that are listed on the 2021 CWSRF Intended Use Plan Annual Project Priority List.
- Projects that were previously funded by an EPG for the same scope and project area.
- Projects with a completed engineering report.

Grant Awards

There are three grant award categories, as listed below, for the planning of wastewater infrastructure projects. The first two categories are for any wastewater infrastructure-related planning activity, including disinfection. The third category is limited to inflow and infiltration evaluations as a result of a DEC Order on Consent or SPDES Permit Compliance Schedule.

Category 1 - \$30,000 Grant

- Population of Municipality: 10,000 or less according to the United States Census, 2017 American Community Survey

Category 2 - \$50,000 Grant

- Population of Municipality: Greater than 10,000 according to the United States Census, 2017 American Community Survey.

Category 3 - \$100,000 Grant

- Only for inflow and infiltration projects as a result of an Order on Consent or SPDES Permit Compliance Schedule (proof of enforcement must be provided)
- Population of Municipality: no limit

Population data can be found on EFC's website at www.efc.ny.gov/epg.

Low Cost Financing

Federal Industrial Development Bond Cap

Available Funding: Up to \$300 million

DESCRIPTION:

Up to \$300 million of the 2021 statewide private activity bond allocation ("volume cap") authority under Federal guidelines will be dedicated to facilitate lower cost tax-exempt bond financing for qualified projects by authorized State and/or local government issuers.

ELIGIBLE APPLICANTS/PROJECT TYPES:

In order to receive the benefits of a tax-exempt interest rate, private borrowers and their projects must be eligible under one of the federally-recognized private activity bond categories described in the Internal Revenue Code (IRC) sections 142-144, and 1394.

The most common economic-development related private activity bonds include:

- Industrial Development Bonds for small (\$10 million or less) manufacturing projects; and
- Exempt Facility Bonds, which cover a wide range of facilities including:

- o Airports;
- o Mass commuting facilities;
- o Qualified residential rental projects;
- o Facilities for the furnishing of local electric energy or gas;
- o Local district heating or cooling facilities; and
- o Sewage facilities and solid waste disposal facilities.

Projects must meet the eligibility requirements of the federal IRC and any laws, rules, or regulations governing the provision of financial assistance by the authorized issuer. In addition, special consideration shall be given to projects supporting Regional Economic Development Council Opportunity Agenda priorities and Downtown Revitalization Initiative projects.

CONTACT/ADDITIONAL PROGRAM INFORMATION:

For more information eligible applicants should visit

<http://www.empire.state.ny.us/BusinessPrograms.html>

or contact George LaPointe at Empire State Development by calling (518) 292-5307.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING Department of State

SUBJECT: Proposed State Application and Plan for the Community Services Block Grant (CSBG) Program for FFY 2022 and FFY 2023

PURPOSE: To obtain input regarding the Department of State's proposed CSBG Application and Plan for Federal Fiscal Years 2022 and 2023 (State Plan).

Federal CSBG funds are awarded to grantees in all counties of New York State. Community action agencies, community-based organizations, and Native American tribes and tribal organizations receive CSBG funds to provide advocacy, outreach, services and programs for economically disadvantaged persons in their local communities. The hearing will focus on the New York State Department of State's Plan for federal fiscal years 2022 and 2023. The Plan delineates the manner in which funds will be expended and how the State will meet the federal CSBG program requirements during the applicable time period covered by the Plan. Pursuant to 42 U.S.C. § 9908, the Department of State Division of Community Services will be holding this public hearing at the place and time as follows:

Albany, NY

Thursday, July 8, 2021

11:00 a.m.

Attendance via WebEx: <https://meetny.webex.com/meetny/j.php?MTID=meb071c0cea3efc03e63f9097a9be1319>

Meeting number (access code): 161 130 0470

Meeting password: cfDviwMa767

Persons wishing to present testimony at the public hearing on the proposed Plan are requested to complete the Public Hearing Reply Form (available at <https://dos.ny.gov/reports-management-plans-and-guides#management-plans>) and mail or fax it to the above address, or provide it by e-mail to dos.sm.dcs@dos.ny.gov on or before to July 8, 2021. Written comments on the proposed Plan may be submitted until the close of business on July 16, 2021.

Oral testimony will be limited to 10 minutes. In preparing the order of witnesses, the DOS will attempt to accommodate individual requests to speak at particular times in view of special circumstances. These requests should be made on the attached reply form or communicated to DOS staff as early as possible. In the absence of a request, witnesses will be scheduled in the order in which reply forms are postmarked. Five copies of any prepared testimony should be submitted at the hearing registration desk. DOS would appreciate advance receipt of prepared statements.

PUBLIC NOTICE

Department of Civil Service

Pursuant to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for June 2021 will be conducted on June 9 and June 10 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at: <https://www.cs.ny.gov/commission/>

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Division of Criminal Justice Services

Law Enforcement Agency Accreditation Council

Pursuant to Public Officers Law § 104, the NYS Division of Criminal Justice Services gives notice of a virtual meeting of the Law Enforcement Agency Accreditation Council to be held on:

Date: Thursday, June 3, 2021

Time: 10:00 a.m.

For further information, please contact: Division of Criminal Justice Services, Office of Public Safety, Alfred E. Smith Office Bldg., 80 S. Swan St., Albany, NY 12210, (518) 457-2667

Live Webcast will be available as soon as the meeting commences at: <http://www.criminaljustice.ny.gov/pio/openmeetings.htm>

PUBLIC NOTICE

Division of Criminal Justice Services

Municipal Police Training Council

Pursuant to Public Officers Law § 104, the NYS Division of Criminal Justice Services gives notice of a virtual meeting of the Municipal Police Training Council to be held on:

Date: Wednesday, June 2, 2021

Time: 10:00 a.m.

For further information, please contact: Division of Criminal Justice Services, Office of Public Safety, Alfred E. Smith Office Bldg., 80 S. Swan St., Albany, NY 12210, (518) 457-2667

Live Webcast will be available as soon as the meeting commences at: <http://www.criminaljustice.ny.gov/pio/openmeetings.htm>

PUBLIC NOTICE

Oneida-Herkimer Solid Waste Management Authority
Award of Contract for the Transportation of Solid Waste
to the Oneida-Herkimer Landfill for
Oneida-Herkimer Solid Waste Management Authority

On May 10, 2021 the Oneida-Herkimer Solid Waste Management Authority awarded a contract to Fred Burrows Trucking & Excavating LLC pursuant to section 120-w of the General Municipal Law for the Transportation of Solid Waste to the Oneida-Herkimer Landfill. The validity of this contract or the procedures which led to its award may be hereafter contested only by action, suit or proceeding commenced within sixty days after the date of this notice and only upon the ground or grounds that: (1) such award or procedure was not authorized pursuant to that section, or (2) any of the provisions of that section which should be complied with at the date of this publication have not been substantially complied with, or (3) a conflict of interest can be shown in the manner in which the contract was awarded; or by action, suit or proceeding commenced on the grounds that such contract was awarded in violation of the provisions of the Constitution.

James V. Biamonte, Contracting Officer, 1600 Genesee St., Utica, NY 13502

PUBLIC NOTICE County of Ontario

The County of Ontario is requesting proposals from qualified administrative services agencies, and/or financial organizations relating to administration, trustee services and/or funding of a deferred compensation plan for employees of The County of Ontario meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Lindsey Burgess, Deputy Director of Human Resources, Ontario County Human Resources, e-mail: Lindsey.Burgess@ontariocountyny.gov

All proposals must be submitted no 4:30 p.m. on July 2, 2021.

PUBLIC NOTICE Department of State F-2021-0185 Date of Issuance - June 2, 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-2021-0185, Frederick Scalise, is proposing to remove and replace, in place, 72 linear feet of bulkhead, including returns and parallel capping boardwalks. Reconstruction of a 6' x 125' fixed pier and an installation of the following: 5' x 15' fixed pier extension, a 4' x 30' fixed L-shaped pier, 3' x 12' access gangway, 8' x 20' floating dock, 2 pile personal waterfront lift and a small craft 8 pile lift. The property is located at 3010 Shore Road, Town of Hempstead, Nassau County, Cedar Swamp Creek.

The stated purpose of the proposed action is to provide safe dockage access for recreational boating.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/F-2021-0185_Frederick_Scalise_APP

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 July 2, 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-2021-0194 Date of Issuance - June 2, 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-2021-0194, the applicant proposes the construction of a 4' x 50' fixed elevated catwalk, 3' x 15' hinged ramp, and a T-shaped 6' x 20' floating dock and 64 linear feet of bulkhead along the shoreline. The project is located at 25 Bluff Point Road, Sag Harbor, Suffolk County, Morris Cove.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/F-2021-0194_25_Bluff_Point_App

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Village of Sag Harbor Local Waterfront Revitalization Program: <https://dos.ny.gov/location/village-sag-harbor-local-waterfront-revitalization-program>

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 July 2, 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-2021-0258 Date of Issuance - June 02, 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-2021-0258, Light & Power Development, LLC, is proposing vessel based sediment and benthic sampling activities in the Hudson River between Ravena and New York City at approximately one mile intervals.

The stated purpose of the proposed action is to “obtain data necessary to prepare Hudson River environmental characterizations as part of preparation of a PSL Article VII application and a USACE Individual Permit application to support siting and permitting of a proposed submarine electric cable between upstate NY and NYC (Queens) to be known as the Catskills Renewable Connector.”

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/system/files/documents/2021/05/F-2021-0258-PN-Material>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or June 17, 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-2021-0259

Date of Issuance – June 2, 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-2021-0259, 1 Java Owner LLC, proposes to excavation and removal of existing concrete, debris, and rip rap above Mean Low Water and replace with a new rip rap stone revetment. A pile supported platform will be installed upland from the new rip rap revetment. A new 237 linear feet steel sheet pile bulkhead placed upland of the rip rap revetment. Installation of a platform that would span over the proposed rip rap, supported by twenty-three (23) 16-inch diameter steel piles with seven (7) 3-foot by 3-foot precast pile caps and has a length of approximately 88’3” with varying widths along the platform. There is a get down area with a walkway elevation of 9.50 NAVD88. A proposed 24-inch diameter stormwater outfall will be installed at the southern end of the project. The proposed project is located at 131 West Street, Brooklyn, Kings County, East River.

The applicant’s consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021_03_F-2021-0259_1_Java_St

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://dos.ny.gov/location/new-york-city-local-waterfront-revitalization-program>

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 July 2, 2021.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consis-

tency 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-2021-0310

Date of Issuance - June 2, 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-2021-0310, The Village of Fair Haven, is proposing the reshaping of Lake Ontario shoreline using existing cobble; creation of a submerged planting shelf and shoreline buildout zone on the Little Sodus Bay shoreline; and creation of an offshore Barrier Rock Reef in Little Sodus Bay. The project is located at 14990 W. Bay Rd., Village of Fair Haven, Cayuga County, Lake Ontario & Little Sodus Bay.

The applicant’s consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0310.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, July 2, 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-2021-0352

Date of Issuance – June 2, 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-2021-0352, Heinz Wahl (French Creek Marina) proposes the expansion of the dock area at the French Creek Marina, including a new floating access ramp and covered dock slips. The project calls for the installation of a new floating access platform approximately 8’ x 20’, a 5’ x 30’ ADA compliant aluminum gangway, and cover dock slips extending the length of an 8’ x 444’ main walkway, (32) 22ft x 28ft covered slips, and (3) 20’ x 28’ pen slips. The marina is located on the French Creek at 250 Wahl Street, Clayton, NY 13624.

The applicant’s consistency certification and supporting informa-

tion are available for review at: <https://dos.ny.gov/system/files/documents/2021/05/F-2021-0352Wahl.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 July 2, 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-2021-0354

Date of Issuance – June 2, 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-2021-0354, Peninsula Babylon, LLC proposes to reface 254 feet of timber a bulkhead. Raise top of the bulkhead by 1.8 feet along with the installation of two 4' returns. Replace the existing boardwalk and open pile pier. Add a 3' x 16' ramp, a 6' x 24' float, and 14' x 14' boat lift and 6' x 6' jet ski lift. Also proposed is the installation of a 3' x 16' ramp and (2) 3' x 20' floats in the existing boat basin. The boat 10' x 20' basin is proposed to be dredged to maintain a navigable depth. The project is located on Carl's River at 191 Peninsula Drive, Babylon, NY 11702.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/05/F-2021-0354Johns.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 July 2, 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-2021-0355

Date of Issuance – June 2, 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 in-

formation and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0355, Peninsula Babylon, LLC proposes to reface 140 feet of timber a bulkhead. Raise top of the bulkhead by 1.8 feet along with the installation of two 4' returns. Construct a 4' x 140' boardwalk landward of the existing bulkhead. Construct a 4' x 24' pier, 3' x 16' ramp, a 6' x 24' float, also a 14' x 14' boat lift and 6' x 6' jet ski lift. A 10' x 20' area is proposed to be dredged to maintain a navigable depth. The project is located on Carl's River at 189 Peninsula Drive, Babylon, NY 11702.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2021/05/F-2021-0355Johns.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 July 2, 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-2021-0366

Date of Issuance - June 2, 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-2021-0366 Princess Bay Boatman's Association Inc, is proposing maintenance dredging of 5,000 cubic yards of sand to be removed and placed at the berm site along the park beach to create a berm. Maintenance dredging for a target depth of 5' depth at mean low tide. Post dredge completion natural plants will be planted along berm for stabilization. Beach grass or NYC Parks approved equal will be planted in March or April. Dredging will occur in late February to March. The project will be located at Lemon Creek Park, Staten Island, Richmond Creek, Raritan Bay-Lemon Creek outlet.

The stated purpose of the proposed action is to permit recreational boating and emergency response teams' access at low tide.

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2021_04_F-2021-0366_Lemon_Crk_Drdg_App

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://dos.ny.gov/location/new-york-city-local-waterfront-revitalization-program>
- Lemon Creek Significant Coastal Fish and Wildlife Habitat: https://dos.ny.gov/system/files/documents/2020/03/lemon_creek.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 July 2, 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-2021-0382

Date of Issuance - June 2, 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-2021-0382, Matthew Donn, is proposing to construct a residential pier to include a 95' x 4' walkway, 14' x 10' open-pile deck/platform, 30' x 4' ramp, 30' x 8' float, and boat lift supports. Existing foundations will be raised, so as to mitigate the effects of future storms. The project is located at 302 River Road, Village of Grand View, Rockland County, on the Hudson River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0382.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, July 2, 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

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.

2021-0237 Matter of JLE Rentals LLC, James Luciano, 55 Howard Drive, Coram, NY 11727, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 162 W. Yaphank Road, Coram, Town of Brookhaven, NY 11727, County of Suffolk, State of New York.

2021-0238 Matter of Hugh Schaefer, 174 West Merrick Road, Merrick, NY 11566, for a variance concerning safety requirements, including the required ceiling height. Involved is an existing one-family dwelling located at 18 Robin Wood Avenue, Village of Hempstead, NY 11550, County of Nassau, State of New York.

2021-0240 Matter of Gregory Isola Architect, Gregory Isola, 2715 Beaver Turn, Seaford, NY 11783, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 89 St. Pauls Place, Village of Hempstead NY 11550, 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.

2021-0242 In the matter of Richard Schissel of Mandala Group LLC, 16 Leslo Lane, Newfield, NY, 14867, for a variance for diminutive code issues concerning handrail and guardrail height at 409 North Cayuga Street, City of Ithaca, Tompkins County, State of New York.

