



Department of Labor

REVISED RULE MAKING  
NO HEARING(S) SCHEDULED

Methods of Payment of Wages  
I.D. No. LAB-21-15-00009-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 192 to Title 12 NYCRR.

**Statutory authority:** Labor Law, sections 21 and 199

**Subject:** Methods of Payment of Wages.

**Purpose:** This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards.

**Text of revised rule:** Part 192 Methods of Payment of Wages

Subpart-1 General Provisions

§ 192-1.1 Permissible Methods of Payment

Employees may be paid wages by employers using the following permissible methods:

- (a) Cash;
- (b) Check;
- (c) Direct Deposit; or
- (d) Payroll Debit Card.

§ 192-1.2 Definitions

For the purposes of this part:

(a) Payroll Debit Card shall mean a card that provides access to an account with a financial institution established directly or indirectly by the employer, and to which transfers of the employee's wages are made on an isolated or recurring basis.

(b) Consent shall mean an express, advance, written authorization given voluntarily by the employee and only given following receipt by the employee of written notice of all terms and conditions of the method of payment. Consent may be withdrawn at any time, provided however, that the employer shall be given a reasonable period of time, but no longer than two full pay periods, to finalize such change.

(c) No Cost shall mean that an employee can access his or her wages, in full, without encumbrances, costs, charges, or fees.

(d) Local Access shall mean that the employee is provided with access to his or her wages, at a facility or machine which is located within a reasonable travel distance to the employee's work location or home, and without unreasonable restraint by the employer or its agent.

(e) Employee shall be as it is defined in Section 190 of the Labor Law and shall not include any person employed in a bona fide executive, administrative, or professional capacity whose earnings are in excess of the dollar threshold contained in Section 192(2) of the Labor Law, or an employee working on a farm not connected with a factory.

(f) Direct Deposit shall mean the transfer of wages into an account, of the employee's choosing, of a financial institution.

(g) Reasonable Intervals shall mean not less frequently than annually.

(h) Negotiable instrument shall be as it is defined in Section 3-104 of the New York State Uniform Commercial Code.

§ 192-1.3 Written Notice and Consent

(a) Notice of methods of payment. An employer who uses methods of payments other than cash or check shall provide employees with a written notice that identifies the following:

(1) a plain language description of all of the employee's options for receiving wages;

(2) a statement that the employer may not require the employee to accept wages by payroll debit card or by direct deposit;

(3) a statement that the employee may not be charged any fees for services that are necessary for the employee to access his or her wages in full; and

(4) if offering employees the option of receiving payment via payroll debit card, a list of locations where employees can access and withdraw wages at no charge to the employees within reasonable proximity to their place of residence or place of work.

(b) Consent. An employer who offers one or more methods of payment of wages that require consent shall obtain such consent in writing and shall ensure that:

(1) It obtains the employee's informed consent without intimidation, coercion, or fear of adverse action by the employer for refusal to accept payment of wage by direct deposit or payroll debit card; and

(2) Does not make payment of wage by direct deposit or payroll debit card a condition of hire or of continued employment.

Small Business and Local Government Participation:

The department created a stakeholder advisory group, which helped guide the development of the proposed regulation. The members of this group include representatives of small businesses, nursing homes specifically interested in serving individuals with Neurodegenerative Diseases, as well as family members and advocates for individuals with Neurodegenerative Diseases, and clinical experts with experience caring for such individuals. In addition, a copy of this notice of proposed rulemaking will be posted on the department's website. The notice will invite public comments on the proposal and include instructions for anyone interested in submitting comments, including small businesses and local governments.

The proposed regulation provides that the facility shall make information and data available to assist the department in evaluating the effectiveness of specialty units and their impact on outcomes for individuals with Neurodegenerative Diseases. Such evaluation will be conducted four years after the adoption of the proposed regulations and the department will consider whether changes are warranted to the programmatic requirements. This period of time is designed to ensure that there is sufficient experience to allow the department to assess implementation.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

While there are a number of nursing homes located in rural areas throughout the State, implementation of the proposed rule is voluntary. Nursing homes in rural areas will not be affected differently than those in non-rural areas.

Reporting, Recordkeeping and Other Compliance Requirements and Professional Services:

Nursing homes are already required to maintain compliance with certain reporting, record-keeping obligations and staffing under federal and State requirements. For nursing homes interested in providing specialty care for Neurodegenerative Diseases, which is voluntary, the proposed regulations require additional reporting on admissions, discharges and outcomes and compliance with certain staffing requirements as necessary to meet the objectives of the specialty units. This additional reporting will allow the department to assess compliance and implementation.

Costs:

Implementation of the proposed rule is voluntary, subject to the submission and approval of a Certificate of Need application. A nursing home may incur costs associated with the construction of a specialty unit for individuals with Neurodegenerative Diseases. The department will establish Medicaid reimbursement rates for nursing home providers for delivering appropriate services through the specialty units. A facility is unlikely to apply for approval to operate a specialty unit if it does not expect that doing so will be cost effective.

Minimizing Adverse Impact:

As implementation of the proposed rule is voluntary, a nursing home is unlikely to propose construction and operation of a specialty unit unless it is cost-effective for the facility.

Rural Area Participation:

The department created a stakeholder advisory group, which helped guide the development of the proposed regulation. The group's members are located throughout the state and include family members and advocates for individuals with Neurodegenerative Diseases, clinical experts with experience caring for individuals with Neurodegenerative Diseases, and representatives of nursing homes interested in serving such individuals. In addition, a copy of this notice of proposed rulemaking will be posted on the department's website. The notice will invite public comments on the proposal and include instructions for anyone interested in submitting comments, including individuals and entities located in rural areas.

The proposed regulation provides that the facility shall make information and data available to assist the department in evaluating the effectiveness of specialty units and their impact on outcomes for individuals with Neurodegenerative Diseases. Such evaluation will be conducted four years after the adoption of the proposed regulations and the department will consider whether changes are warranted to the programmatic requirements. This period of time is designed to ensure that there is sufficient experience to allow the department to assess implementation.

Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment, that it will not have an adverse impact on jobs and employment opportunities.

(c) **Electronic.** The written notice and written consent may be provided and obtained electronically so long as an employee is provided with the ability to view and print both the notice and the consent while the employee is at work and without cost to the employee, and the employee is notified of his or her right to print such materials by the employer through such electronic process.

(d) **Language.** The written notice and written consent shall be provided in English and in the primary language of the employee when a template notice and consent in such language is available from the commissioner.

§ 192-1.4 Prohibited Practices

An employer and its agent shall not engage in unfair, deceptive or abusive practices in relation to the method or methods of payment of wages. No employer or his agent, or the officer or agent of any corporation, shall discharge, penalize or in any other manner discriminate against any employee because such employee has not consented to receive his or her wages through direct deposit or payroll debit card.

Subpart-2 Methods of Payment

§ 192-2.1 Payment of Wages by Check

When paying wages by check, an employer shall ensure that:

- (a) The check is a negotiable instrument; and
- (b) The employer does not impose any fees in connection with the use of checks for the payment of wages, including a fee for replacement of a lost or stolen check.

§ 192-2.2 Payment of Wages by Direct Deposit

When paying wages by direct deposit, an employer shall ensure that:

- (a) It has consent from the employee;
- (b) A copy of the employee's consent must be maintained by the employer during the period of the employee's employment and for six years following the last payment of wages by direct deposit. A copy of the employee's written consent must be provided to the employee; and
- (c) Such direct deposit is made to a financial institution selected by the employee.

§ 192-2.3 Payment of Wages by Payroll Debit Card

(a) When paying wages by payroll debit card, an employer shall ensure that:

- (1) It has consent from the employee;
- (2) It provides the following information and receives consent at least seven business days prior to taking action to issue the payment of wages by payroll debit card, during such seven business days the employee's consent shall not take effect.

(b) An employer shall not deliver payment of wages by payroll debit card unless each of the following is provided:

- (1) Local Access to one or more automated teller machines that offers withdrawals at no cost to the employee;
- (2) At least one method to withdraw up to the total amount of wages for each pay period or balance remaining on the payroll debit card without the employee incurring a fee;
- (c) An employer or agent shall not charge, directly or indirectly, an employee a fee for any of the items listed in this subsection. Inclusion in this subsection does not impose any separate or independent obligation to provide services, nor does it relieve an employer or agent from compliance with this Part or any Federal or State law or regulations:

- (1) Application, initiation, loading, participation or other action necessary to receive wages or to hold the payroll debit card;
- (2) Point of sale transactions;
- (3) Overdraft, shortage, or low balance status;
- (4) Account inactivity;
- (5) Maintenance;
- (6) Telephone or online customer service;
- (7) Accessing balance or other account information online, by Interactive Voice Response through any other automated system offered in conjunction with the payroll debit card, or at any ATM in network made available to the employee;
- (8) Providing the employee with written statements, transaction histories or the issuer's policies;
- (9) Replacing the payroll debit card at reasonable intervals;
- (10) Closing an account or issuing payment of the remaining balance by check or other means; or
- (11) Declined transactions at an Automated Teller Machine that does not provide free balance inquiries.
- (12) Any fee not explicitly identified by type and by dollar amount in the contract between the employer and the issuer or in the terms and conditions of the payroll debit card provided to the employee.

(d) An employer or its agent shall not deliver payment of wages by payroll debit card account that is linked to any form of credit, including a loan against future pay or a cash advance on future pay. Nothing in this subsection shall prohibit an issuer from covering an occasional inadvertent overdraft transaction if there is no charge to the employee.

(e) An employer shall not pass on any of its own costs associated with a payroll debit card account to an employee, nor may an employer receive

any kickback or other financial remuneration from the issuer, card sponsor, or any third party for delivering wages by payroll debit card.

(f) An employer or its agent shall not deliver payment of wages by payroll debit card unless the agreement between the employer and issuer requires that the funds on a payroll debit card shall not expire. Notwithstanding this requirement, the agreement may provide that the account may be closed for inactivity provided that the issuer gives reasonable notice to the employee and that the remaining funds are refunded within seven days.

(g) At least thirty days before any change in the terms and conditions of a payroll debit card takes effect, an employer must provide written notice in plain language, in the employee's primary language or in a language the employee understands, and in at least 12-point font of any change to the terms or conditions of the payroll debit card account including any changes in the itemized list of fees. If the issuer charges the employee any new or increased fee before thirty days after the date the employer has provided the employee with written notice of the change in accordance with the provisions of this subsection, the employer must reimburse the employee for the amount of that fee.

(h) Where an employee is covered by a valid collective bargaining agreement that expressly provides the method or methods by which wages may be paid to employees, an employer must also have the approval of the union before paying by payroll card.

Revised rule making(s) were previously published in the State Register on October 28, 2015.

Revised rule compared with proposed rule: Substantial revisions were made in sections 192-2.1(b) and 192-1.3(a)(4).

Text of revised proposed rule and any required statements and analyses may be obtained from Michael Paglialonga, Department of Labor, Building 12, State Office Campus, Room 509, Albany, NY 12240, (518) 457-4380, email: regulations@labor.ny.gov

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

Public comment will be received until: 30 days after publication of this notice.



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

The revisions do not necessitate revisions to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Assessment of Public Comment

The Department received numerous comments following publication of the revised rule in the October 28, 2015 edition of the NY Register. The following represents a summary and an analysis of such comments, and the reasons why any significant alternatives were not incorporated into the rule. Comments which were previously analyzed, for which no changes were made in the revised rule in the previously published Assessment of Comment, are not included here and reference is made to the previously published assessment for such analysis and response.

Comment 1:

The requirement that employees be provided unlimited withdrawals at least one local ATM machine is burdensome.

Response 1:

The Department disagrees. This requirement ensures that employees are able to access their wages in a free and effective way in line with the requirements of Article 6 of the Labor Law.

Comment 2:

The notification requirement for changes in terms and conditions of payroll debit cards is onerous and the rule should be amended to only require notification if changes are adverse to the employee.

Response 2:

The Department disagrees. This requirement ensures that employees are given the informational opportunity to change or withdraw their consent to be paid via payroll debit card should they believe a change is adverse to them and not merely where a change is believed by a third party to be adverse.

Comment 3:

The seven day waiting period for consent to be effective should be revised. It is onerous for employers, as being too restrictive, and employees, as not providing sufficient levels of protection.

Response 3:

The Department disagrees. This period ensures that employees have the opportunity to evaluate and assess the method of payment in a meaningful way without being limited in their ability to withdraw their consent immediately.

Comment 4:

The Department should provide notice to workers of their rights under Federal Regulation E in the template contemplated by the proposed rule.

Response 4:

The Department will consider, in the drafting of this template, a statement referencing and/or explaining relevant employee rights under Federal Regulation E.

Comment 5:

The Department should provide the templates in Spanish, Chinese, Haitian Creole, Korean, Polish, Russian, French, Arabic, Bengali, Tagalog, and Urdu.

Response 5:

The Department agrees and intends on making the templates available in these languages.

Comment 6:

The Department should maintain complaints under the proposed rule in a manner that is readily accessible under FOIL.

Response 6:

The Department agrees. The Department's recordkeeping system for complaints and investigation is electronically based and the Department will take efforts to do so consistent with operational and administrative needs of that system.

Comment 7:

The Department should provide an opportunity for the regulated community to review and comment the template contemplated by the rulemaking before it is finalized; this would be helpful since there is potential for employee and employer confusion regarding the contents of the notice.

Response 7:

The Department agrees and will make the template available to the regulated community to provide feedback and input on prior to the effective date of the rule.

Comment 8:

The language of the rule should be clarified to clarify that notice may be provided using the English template where the employee's primary language is not one that a template was created by the Department.

Response 8:

As stated in the previous assessment, the text of the rule provides, and this assessment provides confirmation that employers are provide notice and consent either in the employee's primary language, in a language that the employee understands, or through a template prepared by the Department of Labor in accordance with the instructions contained therein. Templates containing relevant and required information will be prepared by the Department. The Department anticipates offering templates in, at least, the following languages: Spanish, Chinese, Haitian Creole, Korean, Polish and Russian. If an employer elects to use a template prepared by the Department and none exist that the employee understands, the employer may provide the employee with the Department's English template.

Comment 9:

It should be clarified that the notice requirement identifying the list of locations where wages can be accessed is only applicable to payroll debit cards, and not direct deposit.

Response 9:

As employees who elect to receive payment through direct deposit established an independent relationship with a financial institution, no specific locations are required to be provided by employers in the required notice where employees are being paid via direct deposit, and the Department has amended the proposed rule to clarify the notice requirement.

Comment 10:

Existing payment authorizations should remain valid upon the effective date of this rule.

Response 10:

Consent provided by an employee prior to the effective date is only valid if it complies with the requirements of this rule. Prior consent that was provided without the requisite notices or in conflict with the terms of this rule is ineffective. Given this concern, the rule will not go into effect until 6 months after publication in the State Register so as to provide the regulated community the opportunity to take appropriate action.

Comment 11:

The requirement that employers provide free check cashing would be burdensome and costly for employers.

Response 11:

While the proposed language sought to codify the requirement in Article 6 of the Labor Law, as interpreted by the Department, that employers provide employees a no-cost local access location to cash their paycheck, the Department has amended the proposed rule to remove this requirement from this rulemaking. Notwithstanding this amendment, employers must ensure that employees are able to access their wages in order for payment to be effective in accordance with the requirements of Section 191 of the Labor Law.

Comment 12:

The notice requirements should not apply for isolated payments such as bonuses or incentive payments on payroll debit cards.

Response 12:

The notice requirements are applicable to isolated and recurring wage payments using a payroll debit cards. Non-wage payments, as many bonuses and holiday payments are under Article 6 of the Labor Law, are not subject to the requirements of this rule. However, wage payments, including many incentive payments, are subject to the requirements of both Article 6 of the Labor Law and to the provisions of this rule.

Comment 13:

Requiring a specific list of ATM locations for each employee is overly burdensome.

Response 13:

The proposed rule does not require that each employee be provided with a specific hard copy list of locations applicable to them. This requirement may be satisfied alternatively by providing access to the employee to an online or telephone based system so long as the employee is provided with information on the means by which he or she may access it.

Comment 14:

The six year recordkeeping requirement is onerous and exceeds federal law for debit cards.

Response 14:

The Department does not agree that this is onerous. The recordkeeping requirement in the rule is consistent with those contained in Article 6 and 19 of the Labor Law, and provides for a consistent framework under which employers are required to maintain wage records.

Comment 15:

A longer phase in period is needed in order to provide the regulated community time to implement the requirements of the rule.

Response 15:

The Department disagrees. The six month effective date of the rule provides a sufficient period for employers and their agents to take appropriate action to come into compliance with the applicable requirements, balancing the need for the protections for employees contained in the rule.

Comment 16:

The term "reasonable travel distance to the employee's work location or home" is unclear in that it does not recognize that many employees do not utilize cars.

Response 16:

This term takes into account the fact that a reasonable travel distance differs for employees situated around the State. For instance, a reasonable travel distance for an employee within Manhattan may be less than a mile, while a reasonable travel distance for an employee in the North Country may be as much as fifteen miles, given the two employee's customary means of travel. Determinations on this issue will be made on a case-by-case basis and, by this encompassing definition, the Department recognizes the different situations and circumstances of employees in different parts of the State.

Comment 17:

The rule should be revised to require that a network of ATMs be provided, not one or more local ATMs.

Response 17:

The Department disagrees. The rule imposes this requirement in order to ensure that employees have at least one means to access their wages locally without fees. While employers or their agents may satisfy this requirement through a network of ATMs, as no specific ATM is required to be identified as a single point of access for each employee, a single ATM is all that is required.

Comment 18:

The term consent includes duplicative definitional terms which require that consent be both voluntary and without intimidation, coercion, or fear of adverse action.

Response 18:

While these terms are not mutually exclusive, they are not duplicative and operate to provide clarity to the regulated community.

Comment 19:

The rule would require that payroll card issuers adopt unique processes to New York State.

Response 19:

The State of New York, through this rule, is working to ensure that employees are able to access their wages, in full, without unreasonable restriction or encumbrance. While the Department recognizes the difficulties that different institutions will face in implementing a new system of rules, the rule is effective six months after adoption providing employers and their agents sufficient time to implement any required changes to ensure the free and full access to wages for employees.

Comment 20:

The term "kickbacks" should be clarified to explain that employers may receive volume discounts and program collateral, such as marketing or educational material, based on the number of participants.

Response 20:

Indirect or incidental benefits that are provided to employers, as a direct or indirect result of the number of employees that participate in a payroll

debit card program are generally outside of the definition of the term kickback. However, direct monetary payments or incentives from an issuer to an employer as a result of fees or revenues collected by employees are prohibited by the rule.

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## State Liquor Authority

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### NOTICE OF ADOPTION

#### Alcohol Training and Awareness Program (ATAP) Application Processes and Program Requirements

**I.D. No.** LQR-06-16-00003-A

**Filing No.** 516

**Filing Date:** 2016-05-31

**Effective Date:** 2016-06-15

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

**Action taken:** Addition of Part 106 to Title 9 NYCRR.

**Statutory authority:** Alcoholic Beverage Control Law, section 18(10)

**Subject:** Alcohol Training and Awareness Program (ATAP) application processes and program requirements.

**Purpose:** To enact statutorily required Alcohol Training and Awareness Program (ATAP) application processes and program requirements.

**Text or summary was published** in the February 10, 2016 issue of the Register, I.D. No. LQR-06-16-00003-P.

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

**Text of rule and any required statements and analyses may be obtained** from Paul Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan Street, Suite 900, Albany, NY 12210, (518) 474-3114, email: paul.karamanol@sla.ny.gov

#### Assessment of Public Comment

The agency received no public comment.

(15-E-0198SA1)

### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-47-15-00008-A

**Filing Date:** 2016-05-25

**Effective Date:** 2016-05-25

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

**Action taken:** On 5/19/16, the PSC adopted an order approving 150 Charles Street Holdings LLC (150 Charles Street) to submeter electricity at 150 Charles Street, New York, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 150 Charles Street to submeter electricity at 150 Charles Street, New York, New York.

**Substance of final rule:** The Commission, on May 19, 2016, adopted an order approving 150 Charles Street Holdings LLC to submeter electricity at 150 Charles Street, New York, New York, 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, Three Empire State Plaza, Albany, New York 12223, (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-0499SA1)

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## Public Service Commission

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### NOTICE OF ADOPTION

#### Submetering of Electricity

**I.D. No.** PSC-17-15-00006-A

**Filing Date:** 2016-05-25

**Effective Date:** 2016-05-25

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

**Action taken:** On 5/19/16, the PSC adopted an order approving 56th and Park (NY) LLC (56th and Park) to submeter electricity at 432 Park Avenue, New York, New York.

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

**Subject:** Submetering of electricity.

**Purpose:** To approve 56th and Park to submeter electricity at 432 Park Avenue, New York, New York.

**Substance of final rule:** The Commission, on May 19, 2016, adopted an order approving 56th and Park (NY) LLC to submeter electricity at 432 Park Avenue, New York, New York, 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, Three Empire State Plaza, Albany, New York 12223, (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.

### NOTICE OF ADOPTION

#### Quarterly Electronic DPA Reporting Requirement

**I.D. No.** PSC-11-16-00007-A

**Filing Date:** 2016-05-25

**Effective Date:** 2016-05-25

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

**Action taken:** On 5/19/16, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) petition to discontinue a quarterly electronic Deferred Payment Agreement (DPA) reporting requirement.

**Statutory authority:** Public Service Law, sections 37, 66, 80, 89-c and 111

**Subject:** Quarterly electronic DPA reporting requirement.

**Purpose:** To approve NFG's petition to discontinue a quarterly electronic DPA reporting requirement.

**Substance of final rule:** The Commission, on May 19, 2016, adopted an order approving National Fuel Gas Distribution Corporation's petition to discontinue a quarterly electronic Deferred Payment Agreement reporting requirement, 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, Three Empire State Plaza, Albany, New York 12223, (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.

(13-G-0016SA3)