

# RULE MAKING ACTIVITIES

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

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

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

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## Department of Labor

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### NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Labor publishes a new notice of proposed rule making in the *NYS Register*.

#### Employee Scheduling (Call-in-Pay)

I.D. No.	Proposed	Expiration Date
LAB-47-17-00011-RP	November 22, 2017	February 20, 2019

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## Office for People with Developmental Disabilities

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

#### Home and Community Based Services

I.D. No. PDD-11-19-00001-P

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

**Proposed Action:** Addition of Subpart 636-2; amendment of section 633.4 of Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 13.07, 13.09(b) and 16

**Subject:** Home and Community Based Services.

**Purpose:** Establishes a regulatory framework for delivery and support of HCBS in a way that encourages and supports the service recipient.

**Text of proposed rule:** Subpart 636-2 Home and Community Based Services and Settings Requirements, Effective October 1, 2021

#### 636-2.1 Applicability

(a) This Subpart applies to the following services and settings:

(1) Medicaid Home and Community Based Services (HCBS) that are operated, certified, funded, authorized, approved, or subject to oversight by OPWDD and/or its authorized provider(s), except those services identified in subdivision 636-2.1(b); and

(2) Settings where HCBS are delivered, except those settings identified in subdivision 636-2.1(b).

(b) This Subpart does not apply to HCBS Respite services and settings (see subdivisions 635-10.4(g) and 635-10.5(h) of this Title).

#### 636-2.2 Background and Intent

(a) It is the intent of this Subpart to require Medicaid Home and Community Based Services (HCBS) that are operated, certified, funded, authorized, approved, or subject to oversight by OPWDD, and/or an OPWDD authorized provider, to be delivered in integrated settings that do not isolate individuals receiving Medicaid HCBS from the broader community of people not receiving Medicaid HCBS.

(b) HCBS supports and services must encourage individuals to take part in the broader community in a way that is meaningful to the individual, in accordance with:

(1) a person-centered service plan developed, implemented, and reviewed in compliance with Subpart 636-1 of this Part;

(2) applicable HCBS requirements in Subpart 635-10 of this Title; and

(3) sections 636-2.3, 636-2.4, and 636-2.5 of this Subpart.

#### 636-2.3. Definitions

(a) **Broader community.** Community settings that are used by the general public, where individuals have opportunities to interact with people who do not have disabilities, do not receive Medicaid HCBS, and are not paid to provide services to individuals.

(b) **Heightened scrutiny.** Review of a setting presumed to be isolating and/or having institutional qualities because it is:

(1) located in a building that is also a publicly or privately-operated facility that provides inpatient institutional treatment;

(2) in a building on the grounds of, or immediately adjacent to, a public institution; or

(3) any other setting that has the effect of isolating individuals receiving Medicaid HCBS from the broader community.

(c) **Institutional.** Operation of a setting and/or delivery of supports and services in a manner that is regimented and/or isolates individuals receiving Medicaid HCBS from the broader community.

(d) **Institution, public.** An institution that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control. Medical institutions, intermediate care facilities, child care institutions, and publicly operated community residences are not included in this definition, nor does the term apply to universities, public libraries, or other similar settings.

(e) **Physically accessible.** Characteristic of a setting, including, but not limited to: 1) the setting provides an individual's full/unrestricted access to typical spaces in the home or day setting and supports their use; 2) the setting reflects an individual's needs and/or preferences including the presence of any necessary physical modifications; or 3) the setting supports the independence, comfort, preferences, and needs of the individuals who live in the residence or attend the day setting.

(f) **Provider, OPWDD authorized.** An organization that is authorized by OPWDD and/or the Department of Health (DOH) to deliver one or more Medicaid HCBS services operated, certified, funded, authorized, or approved by OPWDD, including:

(1) a care coordination organization authorized by DOH in collaboration with OPWDD pursuant to section 365-1 of the Social Services Law;

(2) a managed care organization that is issued a certificate of authority to include OPWDD HCBS in its benefit package pursuant to Article 44 of the Public Health Law; or

(3) another organizational entity certified, contracted, or authorized by OPWDD to be responsible for operating, funding, authorizing, overseeing, or monitoring OPWDD HCBS.

(g) *Setting*. Any location where Medicaid HCBS are delivered including, but not limited to: OPWDD certified facilities (such as Individualized Residential Alternatives (IRAs), Community Residences (CRs), Family Care Homes (FCHs), Site-based Prevocational Services sites and Day Habilitation sites); non-certified settings in the broader community; and private homes.

(h) *Setting, integrated*. A setting where individuals receiving Medicaid HCBS have regular interactions with the broader community. Such settings afford individuals receiving HCBS opportunities to fully engage in community life and choose activities that optimize access to the broader community.

(i) *Setting, isolated or isolating*. A setting that is not integrated, where individuals receiving Medicaid HCBS typically only interact with other individuals receiving Medicaid HCBS or paid staff, and have limited/no access to, or interaction with, the broader community.

(j) *Setting, provider owned or controlled residential*. A residential setting that is co-owned, rented, or occupied by the individual receiving Medicaid HCBS, where a provider agency owns, co-owns, leases, co-leases, or has a direct or indirect financial relationship with the property owner or operates/manages the residential setting. A setting is not provider owned or controlled if the individual owns his/her residential setting or leases directly from a third party that has no direct or indirect financial relationship with a provider, and where an OPWDD HCBS authorized provider has no role in operating or managing the residential setting. All OPWDD certified settings, including Family Care homes, are considered provider owned or controlled for the purposes of this Part.

(k) *Setting, provider owned or controlled non-residential*. A non-residential setting where Medicaid HCBS are delivered, and a provider agency owns, co-owns, leases, co-leases, or has a direct or indirect financial relationship with the property owner or operates/manages the non-residential setting.

(l) *Setting, private home*. A residential setting in which an individual lives independently or with others and the setting is not owned or controlled by a provider agency.

#### 636-2.4 General Provisions

(a) Any setting where Medicaid HCBS are delivered must have all the following qualities and meet all the following conditions based on the needs and goals of the individual receiving HCBS as identified in his/her person-centered service plan:

(1) The setting must be integrated and support full access of individuals receiving HCBS to the broader community. It must support opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community with the same degree of access as the broader community.

(2) The setting must be selected by the individual from among setting options, including non-disability specific settings, and an option for a private home or private bedroom in a residential setting, where applicable. The setting options must be identified and documented in the person-centered service plan or other planning/service related documents and must be based on the individual's needs, preferences and, for residential settings, resources available for room and board.

(3) The setting must ensure the individual's rights of privacy, dignity, and respect, and freedom from coercion and restraint.

(4) The setting must optimize, and not regiment, individual initiative, autonomy, and independence in making life choices including, but not limited to, the individual's decisions regarding daily activities, physical environment, and with whom to interact.

(5) The setting must facilitate individual choice regarding services and supports and who provides them.

(6) The individual must have freedom and support to control his or her own schedules and activities, consistent with the same or similar settings for the broader community.

(7) The individual must have access to food at any time, consistent with the same or similar settings for the broader community.

(8) The individual must be able to have visitors of his or her choosing at any time, consistent with the same or similar settings for the broader community.

(9) The setting must be physically accessible to the individual.

(b) In addition to those qualities and conditions described in paragraphs 636-2.4(a)(1) through (9), all the following conditions must be met in OPWDD-operated or provider owned or controlled residential settings:

(1) The individual's residence must be a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum,

the same responsibilities and protections from eviction that tenants have under applicable landlord/tenant law. For a residence in which landlord/tenant laws do not apply, there must be a lease, residency agreement, or other form of written agreement for the individual that provides for eviction processes and appeals comparable to those provided under applicable landlord/tenant law.

(2) The individual must have privacy in his or her residence and bedroom to the extent applicable.

(i) Residences and bedrooms within residences must have entrance doors lockable by the individual, with only appropriate parties having keys/access to doors as needed.

(ii) The individual sharing a bedroom in an OPWDD-operated, provider owned or controlled, or certified residential setting must have a choice of roommates in that setting. In non-certified provider owned or controlled residential settings, individuals must freely choose to share their residence and have a choice of roommates in the residence and in bedrooms, where applicable.

(iii) The individual must have freedom to furnish and decorate his or her residence and bedroom within the lease or other agreement.

(c) In OPWDD-operated or certified settings and other provider owned or controlled residential and non-residential settings, any modification to the qualities or conditions in paragraphs 636-2.4(a)(6), (a)(7), or (a)(8) or subdivision 636-2.4(b) must be supported by a specific assessed need, justified, and documented in the individual's person-centered service plan or other internal guidance document(s) pursuant to section 636-1.4 of this Part. The Medicaid HCBS provider agency must maintain such documentation as required by OPWDD.

*Note: Providers subject to section 633.16 of this Title must consult that section for additional documentation requirements concerning person-centered behavioral intervention. Providers subject to section 633.4 of this Title must consult that section for documentation requirements concerning modifications of rights of individuals receiving services that are not duplicated in paragraphs 636-2.4(a)(6), (a)(7), (a)(8) and subdivision (b) of this section.*

(d) HCBS settings do not include the following:

(1) A nursing facility;

(2) An institution for mental diseases;

(3) An Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID);

(4) A hospital providing long-term care services;

(5) A sheltered workshop that is not integrated (on or after March 17, 2022);

(6) A private residential school; or

(7) Any other setting that does not pass a heightened scrutiny review process as prescribed and determined by the Centers for Medicare and Medicaid Services (CMS), DOH, and/or OPWDD.

#### 636-2.5 Heightened Scrutiny

A Medicaid HCBS setting subject to heightened scrutiny, as defined in subdivision 636-2.3(c) of this Subpart, will be reviewed in the form and format specified by CMS, DOH, and/or OPWDD.

• Subparagraph 633.4(a)(4)(xxiv) is amended as follows:

(xxiv) the opportunity to receive visitors at reasonable times; to have privacy when visited, provided such visits avoid infringement on the rights of others, and to communicate freely with anyone within or outside the facility; except that in settings where Medicaid Home and Community Based Services (HCBS) are delivered, rights regarding visitors shall be governed by subparts 636-1 and 636-2 of this Title; or

**Text of proposed rule and any required statements and analyses may be obtained from:** Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities, 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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

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

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

#### Regulatory Impact Statement

1. Statutory Authority:

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

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

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

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b), and 16.00 of the Mental Hygiene Law. The regulations add a new Subpart 636-2 and amend Section 633.4 on Home and Community Based Services.

3. Needs and Benefits: The proposed regulations add Subpart 636-2 to 14 NYCRR and amends Title 14 NYCRR Part 633.4 to add to the regulatory framework for the delivery and support of home and community based services in a way that supports and encourages the service recipient. These added and amended regulations will conform to the Federal Home and Community Based Settings rule (42 CFR 441.301) which imposes similar requirements and will further comply with requirements that the state regulations be adopted prior to enforcement of the federal rule in March 2022.

4. Costs:

a. Costs to the Agency and to the State and its local governments:

There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations. The regulations will ensure service recipients are supported within the broader community while receiving Home and Community Based Services.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements. The proposed regulations may result in increased federal reimbursement because individuals affected by the regulations will be in compliance with federal law.

b. Costs to private regulated parties: There are no anticipated costs to regulated providers to comply with the proposed regulations. The amendments/additions merely allow services to be delivered in a way that does not isolate service recipients from the broader community.

5. Local Government Mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the proposed regulations.

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

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. The regulations are necessary because federal law imposes similar requirements.

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

10. Compliance Schedule: OPWDD plans to adopt the regulations prior to the federal enforcement date of March 2022. The regulations would be effective for enforcement on October 1, 2021. The proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date.

**Regulatory Flexibility Analysis**

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

The proposed regulation is designed to require HCBS to be delivered in integrated settings that do not isolate individuals receiving Medicaid HCBS from the broader community of people not receiving Medicaid HCBS. The regulation proposed will not result in costs or new compliance requirements for regulated parties due to the fact that these requirements coincide with existing federal requirements. Thus, the regulation will not have any adverse effects on providers of small business and local governments.

**Rural Area Flexibility Analysis**

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

The proposed regulation is added as Title 14 NYCRR Subpart 636-2 and is intended to require Medicaid Home and Community Based Services (HCBS) that are operated, certified, funded, or subject to review by OPWDD and/or an OPWDD designee to be delivered in integrated settings that do not isolate individuals receiving Medicaid HCBS from the broader community of people not receiving Medicaid HCBS. The regulation will not result in an adverse impact on rural communities because all HCBS entities are treated similarly under the proposed text. Additionally, the scope of the regulation is limited to only HCBS settings. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State. The proposed regulation will not result in costs for regulated parties. These requirements coincide with existing federal requirements thus, no new compliance is required by providers. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

**Job Impact Statement**

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

The proposed addition of Title 14 NYCRR Subpart 636-2 is intended to require Medicaid Home and Community Based Services (HCBS) that are operated, certified, funded, or subject to review by OPWDD and/or an OPWDD designee to be delivered in integrated settings that do not isolate individuals receiving Medicaid HCBS from the broader community of people not receiving Medicaid HCBS. The regulation will coincide with existing federal requirements that providers must comply with by October 1, 2021. Thus, no new compliance is required for providers. Additionally, the scope of the regulation is limited to only HCBS settings. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

**Public Service Commission**

**NOTICE OF WITHDRAWAL**

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

The following rule makings have been withdrawn from consideration:

I.D. No.	Publication Date of Proposal
PSC-46-17-00013-P	November 15, 2017
PSC-51-17-00007-P	December 20, 2017
PSC-51-17-00015-P	December 20, 2017
PSC-19-18-00005-P	May 9, 2018
PSC-23-18-00010-P	June 6, 2018
PSC-32-18-00014-P	August 8, 2018

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

**Notice of Intent to Submeter Electricity**

I.D. No. PSC-11-19-00002-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 18th Highline Associates, L.L.C. to submeter electricity at 501 West 18th 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 Public Service Commission (Commission) is considering the notice of intent filed by 18th Highline Associates, L.L.C. on February 11, 2019, to submeter electricity at 501 West 18th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, 18th Highline Associates, L.L.C. requests authorization to take electric service from Con Edison and

then distribute and meter that electricity to its residents. Submetering of electricity to residential residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(19-E-0089SP1)

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

**Transfer of Street Lighting Facilities**

**I.D. No.** PSC-11-19-00003-P

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

**Proposed Action:** The Commission is considering a petition filed by Orange and Rockland Utilities, Inc. requesting the transfer of certain street lighting facilities to the Village of Nyack.

**Statutory authority:** Public Service Law, sections 65, 66 and 70

**Subject:** Transfer of street lighting facilities.

**Purpose:** To consider whether the transfer of certain street lighting facilities is in the public interest.

**Substance of proposed rule:** The Public Service Commission is considering a petition filed by Orange and Rockland Utilities, Inc. (Orange and Rockland) on February 6, 2019, requesting authorization to transfer to the Village of Nyack (Nyack) certain street lighting facilities located throughout Nyack. The facilities consist of luminaries, lamps, mast arms, their associated wiring, electrical connections, and appurtenances.

Orange and Rockland requests the Commission's approval of the transaction pursuant to Public Service Law § 70, as the original cost of the proposed assets to be transferred was greater than \$100,000. The proposed purchase price is \$112,410, plus any accrued taxes as set forth in the agreement attached to the petition. The Company proposes to defer 100 percent of the after-tax net proceeds on the sale, plus accrued interest at the Commission-approved Other Customer Provided Capital Rate, for the future benefit of Orange and Rockland's electric customers.

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

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

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

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

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

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

(19-E-0076SP1)

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

**Notice of Intent to Submeter Electricity**

**I.D. No.** PSC-11-19-00004-P

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

**Proposed Action:** The Commission is considering the notice of intent of Fulton SCG Development LLC c/o F&T Group to submeter electricity at 133-21 39th Avenue, Flushing, 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 Public Service Commission (Commission) is considering the notice of intent filed by Fulton SCG Development LLC c/o F&T Group on February 8, 2019, to submeter electricity at 133-21 39th Avenue, Flushing, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

By stating its intent to submeter electricity, Fulton SCG Development LLC c/o F&T Group requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Submetering of electricity to residential residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(19-E-0084SP1)