

*NEW YORK STATE POWER AUTHORITY  
PUBLIC HEARING*

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*Lewiston, NY  
January 8, 2015*

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New York State Power Authority  
Thursday, January 8, 2015  
2:30 p.m. - 6:30 p.m.  
Niagara Power Project Visitors' Center  
5777 Lewiston Road  
Lewiston, New York 14092

Patricia A. Schreier

1 SPEAKERS :

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MS . DELINCE ..... 3,11  
MR . PASQUALE ..... 5

1 MS. DELINCE: Good afternoon. This is a public  
2 hearing required by law and authorized by the New York  
3 Power Authority's Board of Trustees on the proposed  
4 Direct Sale Contracts for the sale of hydropower to  
5 Kreher's Sunrise Farms, LLC and Unifrax 1 LLC and  
6 Contract Extensions for the sale of hydropower to  
7 Niagara Mohawk Power Corporation (d/b/a National Grid),  
8 New York State Electric and Gas Corporation and  
9 Rochester Gas and Electric Corporation.

10 My name is Karen Delince and I'm the Authority's  
11 Corporate Secretary.

12 New York State Public Authorities Law, Section  
13 1009, sets forth procedures for executing certain  
14 contracts negotiated by the Authority. First, prior to  
15 the hearing, it requires that notice of hearing be  
16 provided.

17 Therefore, a notice was sent to the Governor, the  
18 Senates's President Pro Temp, the Senate Minority Leader  
19 and the Senate Finance Committee Chair, the Assembly  
20 Speaker, the Assembly Minority Leader, the Assembly Ways  
21 and Means Committee Chair.

22 In addition, notices appeared in the following  
23 newspapers once a week for the four weeks leading up to

1           this hearing: Albany Times-Union, Batavia Daily News,  
2           Buffalo News, Massena Daily Courier Observer, Rochester  
3           Democrat and Chronicle, Syracuse Post-Standard.

4           The public was also given access to the proposed  
5           contracts on the Authority's website and at the  
6           Authority's White Plains office during the 30 day period  
7           prior to today's hearing.

8           After the hearing, the public will be given access  
9           to the hearing transcript, once it is completed, at  
10          www.nypa.gov and at the White Plains Office.

11          The next step in the process set forth in Section  
12          1009 will be for the NYPA Trustees to reconsider the  
13          proposed contracts, in light of public comments.

14          Once the Trustees have completed their final  
15          review, the contracts will be forwarded to the Governor  
16          for his consideration and approval.

17          If you plan to make an oral statement at this  
18          hearing, I ask that you so indicate on the sign-in  
19          sheet. Also, if you have a written statement, please  
20          give a copy to Lorna Johnson at the sign-in table and  
21          one to the reporter.

22          Written statements may be of any length and will  
23          appear in the record of the hearing in addition to oral

1 statements.

2 The record of the hearing will remain open for any  
3 additional comments through close of business, Friday,  
4 January 9th. Additional comments should be mailed,  
5 faxed or e-mailed to the Corporate Secretary at 123 Main  
6 Street, 11-P White Plains, New York 10601 or  
7 (914)390-8048 or secretarysoffice@nypa.gov.

8 At this point I would like to introduce Mr. James  
9 Pasquale, the Authority's Senior Vice President of  
10 Economic Development and Energy Efficiency, who will  
11 provide additional details on the proposed direct sale  
12 contracts. Thank you.

13 Mr. Pasquale.

14 MR. PASQUALE: Thank you, Ms. Delince.

15 Good afternoon. My name is James F. Pasquale and  
16 I'm the Senior Vice President of Economic Development  
17 and Energy Efficiency at the New York Power Authority.  
18 I'm here today to present a summary of proposed  
19 contracts.

20 First regarding power allocation contracts to two  
21 companies for the direct sale of Expansion Power or  
22 Replacement Power - hydropower that is generated here at  
23 the Authority's Niagara Power Project and second

1 regarding proposed contract extensions with three  
2 upstate investor owned utilities - National Grid, New  
3 York State Electric and Gas and Rochester Gas and  
4 Electric - for firm peaking power generated at both the  
5 Niagara and St. Lawrence/FDR Power Projects.

6 Regarding the hydropower allocation contracts,  
7 under Public Authorities Law Section 1005 Subsection 13,  
8 the Authority may allocate and sell directly or by  
9 sale-for-resale, 250 MW of Expansion Power, known as EP,  
10 and 445 MW of Replacement Power, known as RP, to  
11 businesses located within 30 miles of the Niagara Power  
12 Project, provided that the amount of EP allocated to  
13 businesses in Chautauqua County on January 1, 1987 shall  
14 continue to be allocated in Chautauqua County.

15 Two companies have been awarded hydropower  
16 allocations by the Authority's Trustees in return for  
17 commitments made to create or expand their businesses in  
18 Western New York.

19 Specifically, Kreher's Sunrise Farm, LLC, an  
20 organic egg farm in Genesee County, was awarded 100  
21 kilowatts of RP to expand operations to meet market  
22 demand by constructing three new poultry houses, a  
23 pullet house and an additional compost facility. The

1           \$7 million investment would create ten new jobs.

2           Unifrax 1 LLC was awarded 1,400 kilowatts of RP in  
3 support of the construction of a new 82,000-square-foot  
4 facility at an industrial park in the Town of Tonawanda  
5 in Erie County to produce a new wool insulation product.  
6 The \$18.5 million expansion will create 25 new jobs.

7           In aggregate, the two companies have committed to  
8 capital spending of over \$25.5 million in their Western  
9 New York facilities while creating 35 jobs.

10           To summarize some of the pertinent provisions of  
11 the proposed contracts, first, the contracts provide for  
12 the direct billing of all hydropower supply charges, all  
13 New York Independent System Operator, Inc., (NYISO)  
14 charges and taxes.

15           Each contract includes the customer's agreed upon  
16 commitments with respect to employment and capital  
17 investment. The contracts retain the Authority's right  
18 to reduce or terminate a customer's allocation if  
19 employment, power utilization or capital investment  
20 commitments are not met.

21           For example, the contracts include an annual job  
22 reporting requirement and a job compliance threshold of  
23 90 percent. Should a company's average annual

1 employment fall below the compliance threshold of  
2 90 percent of the employment commitment, the Authority  
3 has the right to reduce the allocation on a pro rata  
4 basis.

5 The contract compels the company to perform an  
6 energy audit at the facility at least once within five  
7 years helping to ensure the customer uses the hydropower  
8 efficiently.

9 Additionally, to accommodate nonpayment risks that  
10 could result from the direct billing arrangement, the  
11 contract includes commercially reasonable provisions  
12 concerning the Authority's ability to charge late  
13 payment fees and to require deposits in the event of  
14 customer failure to make payment for any two monthly  
15 bills. These contract provisions are consistent with  
16 other Authority direct sale contracts, including the  
17 Recharge New York sales contracts.

18 The contracts will serve the allocations in  
19 accordance with the Authority's Service Tariff WNY-1  
20 which specifies the rates and other terms applicable to  
21 all EP and RP allocations. The Service Tariff specifies  
22 a three year rate phase-in to a target rate based on the  
23 rate of the Authority's other hydropower program -

1 Preservation Power - to ultimately ensure consistency  
2 among the Authority's three hydropower programs.

3 Transmission and delivery service for these  
4 allocations will be provided by National Grid or NYSEG,  
5 in accordance with the utilities' Public Service  
6 Commission approved delivery service tariffs.

7 And, now, to summarize the peaking power contracts  
8 to three investor owned utilities: Starting in 1990,  
9 NYPA has sold both firm power and firm peaking power  
10 from the St. Lawrence/FDR and Niagara Power Projects to  
11 National Grid, New York State Electric and Gas and  
12 Rochester Gas and Electric in accordance with hydropower  
13 contracts and subsequent contract extensions.

14 The utilities have purchased such power and energy  
15 at NYPA's cost-based hydropower rate, the benefits of  
16 which have been passed on to the utilities' residential  
17 and small farm customers (also referred to as their  
18 rural and domestic or R&D consumers), without markup,  
19 through the electric service provided by the utilities  
20 under their retail tariffs.

21 Chapter 60 (Part CC ) of the Laws of 2011  
22 authorized the Authority to use the firm hydropower  
23 previously allocated to the utilities to support

1 economic development in the form of the Recharge New  
2 York Power Program.

3 Effective August 1, 2011, NYPA withdrew the firm  
4 power allocations from the utilities in accordance with  
5 the withdrawal provisions of the contracts and the new  
6 law; but NYPA continued to sell and the utilities  
7 continued to purchase the firm peaking power under the  
8 contracts.

9 The Authority's Trustees provided contract  
10 extensions which continued peaking hydropower sales to  
11 the utilities through December 31, 2014. The proposed  
12 contract extensions would continue the sale of 360 MW of  
13 firm peaking hydropower to the utilities for up to three  
14 years, consisting of 175 MW to National Grid, 150 MW to  
15 New York State Electric and Gas and 35 MW to Rochester  
16 Gas and Electric. These peaking power allocations would  
17 continue to allow NYPA to pass on the benefits of the  
18 firm peaking power to the utilities' R&D consumers.

19 NYPA and the utilities have agreed in form and  
20 substance to the proposed contract expenses, where the  
21 Authority would have the right to terminate the contract  
22 upon 30 days notice to any of the utilities and the  
23 utilities, after the initial term of one year, would

1 have a right to terminate the contract upon 30 days  
2 notice to the Authority. The contracts provide firm  
3 peaking service under Service Tariff Number 42 which  
4 specifies the rates and other terms applicable to the  
5 sale of firm peaking power to the upstate utilities.

6 Lastly, because the 2012 extensions were scheduled  
7 to expire on December 31, 2014 the Authority has agreed  
8 to execute contract extensions on a month to month basis  
9 pending completion of the public hearing process and  
10 gubernatorial approval.

11 As Ms. Delince stated earlier, the Authority will  
12 accept your comments on the proposed contracts until the  
13 close of business on Friday, January 9th. I will now  
14 turn the forum back to Ms. Delince.

15 MS. DELINCE: Thank you, Mr. Pasquale for that  
16 detailed explanation. We will now recess and reconvene  
17 when speakers arrive. Thank you.

18 (recess)

19 MS. DELINCE: The January 8, 2015 public  
20 hearing on the proposed direct sale contract and  
21 contract extensions is now officially closed.

22 As previously stated, the record of the hearing  
23 will remain open for additional comments through close

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of Friday, January 9th.

Thank you and good night.

(Hearing closed at 6:30 p.m.)

1 STATE OF NEW YORK  
2 COUNTY OF ERIE

3 I, Patricia A. Schreier, a Notary Public in and for  
4 the State of New York, do hereby certify:

5 That the witness, whose testimony appears herein  
6 before, was, before the commencement of his testimony, duly  
7 sworn to testify the truth, the whole truth and nothing but  
8 the truth; that such testimony was taken pursuant to notice at  
9 the time and place herein set forth; that said testimony was  
10 taken down in shorthand by me and thereafter under my  
11 supervision transcribed into the English language, and hereby  
12 certify the foregoing testimony is a full, true and correct  
13 transcription of the shorthand notes so taken.

14 I further certify that I am neither counsel for nor  
15 related to any parties to said action, nor in anywise  
16 interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have here unto subscribed my  
18 name this 13th day of January, 2015.

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Notary Public  
State of New York

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