



# NY State Economic Development Power Allocation Board

## ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

### MINUTES

March 28, 2022 – 8:45 a.m.

Meeting Held Via Videoconference

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### OTHER BUSINESS

5. Next Meeting

Closing

A regular meeting of the Economic Development Power Allocation Board was held via video conference, at approximately 8:45 a.m.

The following Members of the Board were present:

**Eugene L. Nicandri**, Chair  
**Dennis Trainor**, Member  
**Andrew Silver**, Member

**Also in attendance were:**

Lori Alesio	Interim Executive Vice President & General Counsel, NYPA
Keith Hayes	Senior Vice President, Clean Energy Solutions, NYPA
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Associate Corporate Secretary, NYPA

## **Introduction**

Chair Nicandri welcomed members of the Economic Development Power Allocation Board (“EDPAB”), Dennis Trainor and Andrew Silver. He also welcomed Authority senior staff to the meeting.

He said that the meeting had been duly noticed as required by the Open Meetings Law and called the meeting to order pursuant to the EDPAB Bylaws, Article III, Section 2.

### **1. Adoption of the March 28, 2022 Proposed Meeting Agenda**

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the March 28, 2022 meeting was adopted.

*Chair Eugene Nicandri, and Members Dennis Trainor and Andrew Silver, declared no conflicts of interest based on the list of entities being considered for power allocations.*

### **2. Approval of the Minutes**

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on December 6, 2021 were unanimously approved.

### **3. Recharge New York Power – New, Extended and Modified Allocations**

#### **SUMMARY**

The Economic Development Power Allocation Board (“EDPAB” or “Board”) is requested to:

- (a) recommend that the New York Power Authority (“Authority” or “NYPA”) Trustees (“Trustees”) extend each of the 14 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” for a term of 7 years. The term would commence on the expiration of each such existing Allocation, or in the Authority’s discretion, on a date to be agreed upon by the parties, for a term not to exceed 7 years (collectively, the “Extended Term”), subject to the following conditions:
  - i. A customer whose Allocation would be extended would have to agree to provide supplemental commitments for, among other things, jobs and capital investments, as it has in its current RNY Power agreement(s) with the Authority (collectively, “Current RNY Power Agreement”) for the length of any Extended Term, through the incorporation of such supplemental commitments in the proposed final contract that is executed by the parties. With respect to capital investments, the vast majority of RNY Power customers (i.e., those who do not have project/expansion capital investment commitments) would be expected to meet a minimum capital investment commitment.
  - ii. Unless otherwise noted, each of the customers identified in Exhibit “A” is in compliance with its contractual obligations to the Authority under its Current RNY Power Agreement.
- (b) recommend that the Trustees approve modifications related to the previously approved RNY Power allocations, extensions, and/or related supplemental commitments for the customers listed in Exhibit “B”;
- (c) recommend that the Trustees award new allocations of RNY Power available for “retention” purposes to the businesses listed in Exhibit “C” in the amounts indicated therein;

- (d) recommend that the Trustees award new allocations of RNY Power available for “expansion” purposes to the businesses listed in Exhibit “D” in the amounts indicated therein;
- (e) recommend that the Trustees award new allocations of RNY Power available for eligible small businesses and/or not-for-profit corporations to the entities listed in Exhibit “E” in the amounts indicated therein;
- (f) determine that the applicants listed in Exhibit “F” are not eligible to receive an RNY Power allocation; and
- (g) terminate the application review process for the applicants listed in Exhibit “G.”

The Board is further requested to recommend that, in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of any Allocations recommended herein, such terms and conditions include:

- (1) provisions for effective periodic audits of the recipient of an allocation for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an allocation if the recipient fails to maintain commitments, relating to such things as employment levels, power utilization, capital investments, and/or energy efficiency measures;
- (2) requirements for an agreement by the recipient of an allocation undertake at its own expense an energy audit of its facilities at which the allocation is consumed modified by the Authority on a showing of good cause by the recipient, and that the recipient provide the Authority with a copy of any such audit or a report describing the results of such audit;
- (3) a requirement for an agreement by the recipient of an allocation to make its facilities available at reasonable times and intervals for energy audits and related assessments that the Authority desires to perform; and
- (4) a recommendation shall require that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly.

The sale of any Allocation as proposed herein will be governed by the form of the RNY Power contract that was approved by the Trustees on March 26, 2019, and existing Authority Service Tariff RNY-1.

## BACKGROUND

On April 14, 2011, the RNY Power Program was signed into law as part of Chapter 60 (Part CC) of the Laws of 2011. The RNY Power Program is codified primarily in Economic Development Law (“EDL”) §188-a and Public Authorities Law §1005(13-a) (the “RNY Statutes”). The program makes available 910 megawatts (“MW”) of RNY Power, 50% of which will be provided by certain Authority hydropower resources and 50% of which will be procured by the Authority from other sources. RNY Power contracts can be for a term of up to 7 years in exchange for job and capital investment commitments. RNY Power is available to businesses and not-for-profit corporations for job retention and business expansion and attraction.

As part of New York State’s initiative to foster business activity and streamline economic development, applications for all statewide economic development programs, including the RNY Power Program, have been incorporated into a single on-line Consolidated Funding Application (“CFA”) marking a fundamental shift in how State economic development resources are marketed and allocated. Beginning in September 2011, the CFA was available to applicants. The CFA continues to serve as an efficient and effective tool to streamline and expedite the State’s efforts to generate sustainable economic growth and employment opportunities. All applications that are considered for an RNY Power allocation are submitted through the CFA process.

RNY Power is available to businesses and not-for-profit corporations for job retention and business expansion and attraction purposes. Specifically, Chapter 60 provides that at least 350 MW of RNY Power shall be dedicated to facilities in the service territories served by the New York State Electric and Gas, National Grid, and Rochester Gas and Electric utility companies; and at least 200 MW of RNY Power shall be dedicated to the purpose of attracting new businesses and encouraging expansion of existing businesses statewide. In July 2021, legislation was enacted increasing the dedicated amount of RNY Power from 100 MW to no more than 150 MW for eligible not-for-profit corporations and eligible small businesses statewide.

“Eligible applicant” is defined by statute to mean an eligible business, eligible small business, or eligible not-for-profit corporation; however, an eligible applicant shall not include retail businesses as defined by EDPAB, including, without limitation, sports venues, gaming or entertainment-related establishments or places of overnight accommodations.

RNY Power allocation awards are comprised of 50% hydropower and 50% Authority-procured market power. Prior to entering into a contract with an eligible applicant for the sale of RNY power, and prior to the provision of electric service relating to the RNY power allocation, the Authority shall offer each eligible applicant the option to decline to purchase the RNY market power component of such allocation. If an eligible applicant declines to purchase the RNY market power component, the Authority has no responsibility for supplying such market power to the eligible applicant.

Under applicable law, applications for RNY Power are first considered by EDPAB. EDPAB is authorized to recommend applicants to the Authority’s Trustees that it believes should receive an award of RNY Power based on applicable statutory criteria and other pertinent considerations. The criteria provided for in the RNY Statutes are summarized in Exhibit “H.” An allocation recommended by EDPAB qualifies the subject applicant to enter into a contract with the Authority for the purchase of the RNY Power if the Authority makes an allocation award.

In arriving at recommendations for EDPAB’s consideration, staff, among other things, attempted to maximize the economic benefits of low-cost NYPA hydropower, the critical state asset at the core of the RNY Power Program, while attempting to ensure that each recipient receives a meaningful RNY Power allocation.

Unless otherwise noted in Exhibits “C”, “D”, and “E” (recommendations for new RNY Power allocations), new business applicants with relatively high scores were recommended for allocations of retention RNY Power of 50% of the requested amount or average historic demand, whichever was lower. These allocations were capped at 10 MW for any recommended allocation. Not-for-profit corporation applicants that score relatively high are typically recommended for allocations of 33% of the requested amount or average historic demand, whichever is lower. These allocations are capped at 5 MW. Applicants currently receiving hydropower allocations under other Authority power programs are typically recommended for allocations of RNY Power of 25% of the requested amount, subject to the caps as stated above.

RNY Power allocation extensions have been awarded by the Trustees on thirteen prior occasions spanning from October 2018 through December 2021. These recommendations pertain to existing RNY Power customers receiving an Extended Term of 7 years.

RNY Power allocations pertaining to new applicants have been awarded by the Trustees on thirty-three prior occasions spanning from April 2012 through December 2021. Currently, approximately 25 MW of RNY Power remains unallocated. This figure reflects Trustee actions taken on RNY Power applications prior to any actions that EDPAB recommends today. If today’s recommendations by EDPAB are approved by the Trustees, it is anticipated that approximately 16 MW of RNY Power will remain unallocated.

Applications for new RNY Power allocations have been considered, where applicable, under NYPA’s Green Jobs Evaluation Incentive Plan and the Diversity, Equity, and Inclusion (“DEI”) Evaluation

and Incentive Plan. These plans were approved by the Trustees on December 9, 2020 and December 7, 2021, respectively.

The sale of RNY Power allocations that are recommended by EDPAB today for Trustee approval would be governed by the form of RNY Power contract that was approved by the Trustees on March 26, 2019, and existing Authority Service Tariff RNY-1. The terms and conditions in the RNY Power contract form are consistent with the terms and conditions pertaining to the sale of Allocations as described above.

## DISCUSSION

### 1. Extension of Existing Allocations

For the current round of recommendations, Authority staff has reviewed applications from 14 RNY Power customers who are requesting that their existing RNY Power allocations be extended. Exhibit "A" lists, among other things, the name of each such customer, the amount of its current Allocation, and each customer's supplemental commitments for jobs and capital investments associated with its extension recommendation. A copy of each application has also been made available to the Board. Staff's review has included on a customer-specific basis consideration of such issues as the amount of each Allocation that would be extended, the supplemental commitments that these customers have made under their Existing Contract and are prepared to make as consideration for an extension, and the customer's compliance status under its Existing Contract, including its compliance with supplemental commitments for jobs and capital investments.

Staff recommends that EDPAB recommend to the NYPA Trustees that the full Allocations be extended for each company as indicated in Exhibit "A".

Staff has concluded that the businesses listed in Exhibit "A", which are located throughout the State, continue to bring valuable benefits to the State. In total, the Allocations listed in Exhibit "A" are supporting the retention of nearly 5,200 jobs and \$1.9 billion in capital investments throughout New York State, and the Authority will require customers to commit to the same or substantially similar supplemental commitments for jobs and capital investments that are contained in Exhibit "A" for the Extended Term.

Staff believes that an extension of each Allocation listed in Exhibit "A" is warranted and is consistent with the statutory criteria that are used to evaluate applications for an award of RNY Power which are summarized in Exhibit "H". As described above, each Allocation would be extended for a term not to exceed 7 years.

### 2. Modifications to Existing Extension Allocations and/or Related Supplemental Commitments

Staff recommends that EDPAB recommend to the NYPA Trustees that the modifications relating to the previously approved RNY Power allocations, extensions, and/or related supplemental commitments listed in Exhibit "B" be approved for the reasons presented below.

Albert Einstein College of Medicine, Inc. was previously approved for a retention-based RNY Power allocation extension in the amount of 1,320 kilowatts ("kW") kW with commitments of 2,175 retained jobs and \$30 million in capital spending. The customer was also previously approved for an expansion-based RNY Power allocation, specifically for its Van Etten Building, in the amount of 230 kW with commitments of 230 retained jobs, 60 new jobs, and \$10 million in capital spending. In recent communications with the customer, it was determined that some of the job commitments relating to the expansion-based allocation were attributable to the retention-based allocation. Therefore, staff recommends that EDPAB recommend to the NYPA Trustees that a modification of the customer's job commitments be approved for the expansion allocation to reflect commitments of 2,175 retained jobs and 60 new jobs. If approved, this modification would be implemented in the customer's power contract.

D'Addario & Company, Inc. was previously approved for a retention-based RNY Power allocation extension in the amount of 826 kW with commitments of 815 retained jobs and \$9.3 million in capital

spending. The customer has since requested the ability to allocate portions of its RNY Power allocation between the facility that has been receiving the allocation and another facility/account located at 590 Smith Street, Farmingdale (Nassau County) which was not identified in the customer's application. Therefore, staff recommends that EDPAB recommend to the NYPA Trustees that a modification be approved to allow the customer the ability to allocate RNY Power to its facility located at 590 Smith Street, Farmingdale (Nassau County). If this change is approved, it would be implemented through a modification to the customer's power contract.

Topiderm Inc. was previously approved for an expansion-based RNY Power allocation in the amount of 50 kW with commitments of 239 retained jobs, 75 new jobs, and \$120 million in capital spending. In recent communications with the customer, it was determined that the original expansion project cost erroneously included the purchase cost of another company, and that the correct capital spending amount is \$10,518,586. The customer's capital spending commitment should be modified to reflect this corrected amount. Therefore, staff recommends that EDPAB recommend to the NYPA Trustees that a modification be approved adjusting the expansion-related capital spending amount to \$10,518,586. If approved, this modification would be implemented in the customer's power contract.

Staff has no objection to the requested modifications, and therefore recommends that EDPAB recommend that the NYPA Trustees approve the modifications listed in Exhibit "B".

3. Retention-Based RNY Power Allocations

Staff recommends that EDPAB recommend to the NYPA Trustees that the applicants listed in Exhibit "C" be awarded retention-based RNY Power allocations in the amounts indicated therein. Each business has stated a willingness to retain jobs in New York State. Additionally, these applicants will be committing to capital investments in exchange for the recommended RNY Power allocations. Unless otherwise indicated in Exhibit "C", these applicants seek an RNY Power allocation for job retention purposes only. The retention-based allocations are each recommended for a term of 7 years unless otherwise indicated. The Authority's RNY Power sale contract form would also contain the provisions summarized above.

4. Expansion-Based RNY Power Allocations

Staff recommends that EDPAB recommend to the NYPA Trustees that the applicants listed in Exhibit "D" be awarded expansion-based RNY Power allocations in the amounts indicated which would be sourced from the 200 MW block of RNY Power dedicated pursuant to statute for the businesses that propose to expand existing businesses or create new business in the State. Unless otherwise indicated in Exhibit "D", these applicants seek an RNY Power allocation for expansion of an existing business or a new business/ facility. Each such allocation would be for a term of 7 years unless otherwise indicated. The Authority's RNY Power sale contract form would also contain the provisions summarized above.

5. Small Business and/or Not-for-Profit RNY Power Allocations

Staff recommends that EDPAB recommend to the NYPA Trustees that the small business and/or not-for-profit applicants listed in Exhibit "E" be awarded RNY Power allocations in the amounts indicated therein each for a 7-year term. The applicants have committed to retain and/or create jobs in New York State and make capital investments in exchange for the recommended RNY Power allocations as described in Exhibit "E." The contracts for these allocations would also contain the provisions summarized above.

6. Applicants Not Eligible

Staff recommends that the Board determine that the applicants listed in Exhibit "F" are not eligible to receive an RNY Power allocation for the reasons listed in Exhibit "F".

7. Termination of Application Review Process

Staff recommends that the Board terminate the application review process for the applicants listed in Exhibit "G" for the reasons listed in Exhibit "G". In the past, some applicants in these circumstances have refiled if able to advance a more complete RNY Power application.

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing 14 Allocations of RNY Power listed in Exhibit "A" be extended for a term of 7 years as described above, to commence on the expiration of such Allocation, or at the Authority's discretion on a date to be agreed upon by the parties for a term not to exceed 7 years.
- (2) Recommend to the NYPA Trustees that, in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of the Allocations recommended herein, such terms and conditions include:
  - (a) provisions for effective periodic audits of the customer whose Allocation is extended for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an Extended Allocation if the business fails to maintain mutually agreed upon commitments, including those relating to employment levels, capital investments, power usage and energy efficiency measures;
  - (b) a requirement that the customer whose Allocation is extended undertake at its own expense energy audit of its facilities at which the Extended Allocation is consumed at least once during the term of the allocation absence good cause, and provide the Authority with a copy of any such audit or, at the Authority's option, a report describing the results of such audit, and provide documentation requested by the authority relating to the implementation of any efficiency measures at the facilities;
  - (c) an agreement by the customer whose Allocation is extended to make its facilities available for energy audits and related assessments that the authority desires to perform, if any, and provide information requested by the Authority or its designee in surveys, questionnaires and other information requests relating to energy efficiency and energy-related projects, programs and services; and
  - (d) an agreement by the customer whose Allocation is extended that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly.
- (3) Recommend that the NYPA Trustees approve the modifications related to the RNY Power allocations, extensions, and/or related supplemental commitments described in Exhibit "B" for the reasons discussed above and in Exhibit "B".
- (4) Recommend that the NYPA Trustees award the new allocations of RNY Power for retention purposes to the businesses listed in Exhibit "C" as indicated therein.
- (5) Recommend that the NYPA Trustees award the new allocations of RNY Power for expansion purposes to the businesses listed in Exhibit "D" as indicated therein.
- (6) Recommend that the NYPA Trustees award the new allocations of RNY Power for the small business and/or not-for-profit applicants identified in Exhibit "E" for retention and expansion purposes as indicated therein.



- (7) Determine that the applicants listed in Exhibit “F” are not eligible to receive an RNY Power allocation for the reasons listed in Exhibit “F”; and
- (8) Terminate the application review process for the applicants listed in Exhibit “G” for the reasons listed in Exhibit “G”.

**Chairman Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions, to present the Recharge New York Power Program – New, Extended and Modified Allocations item to the Board.**

*“Mr. Hayes said that staff is requesting that the EDPAB recommends that the Authority’s Trustees approve contract extensions for allocations of Recharge New York Power to existing customers; approve modifications related to three existing Recharge New York allocations and/or related supplemental commitments; and award new allocations of Recharge New York large business retention, large business expansion, and small business and not-for-profit based power to 14 applicants. All applications were submitted through the State’s consolidated funding application system.*

*As in the past, new applications were evaluated on a competitive basis in consideration of the 12 criteria in the Recharge New York Legislation. Some of the key considerations include Job commitments, capital investment and an applicant’s risk of closure or leaving the state if they are not awarded a Recharge New York Power Allocation. Applications for new RNY power allocations have been considered, where applicable, under NYPA’s Green Jobs Evaluation Incentive Plan, a Diversity, Equity and Inclusion (“DEI”) Evaluation and Incentive Plan.*

*Prior to the aforementioned recommendations, 25 megawatts of Recharge New York Power remain available for allocation. The recommendations consist of the following: 14 extension allocations totaling 24.2 megawatts and supporting nearly 5200 jobs; 3 modifications related to existing Recharge New York allocations extensions and/or related supplemental commitments; 3 new, large business retention allocations totaling 0.9 megawatts and supporting the retention of nearly jobs; 4 new, large business expansion allocations totaling 7.8 megawatts and supporting the creation of nearly 1400 new jobs; and 12 new, small business and not-for-profit based allocations totaling 0.7 megawatts and supporting more than 260 jobs.*

*If these recommendations are approved, approximately, 16 megawatts of Recharge New York Power will remain available to allocate. The awarded applicants will be offered Recharge New York contracts for a term of seven years. The contract has provisions for the partial or complete withdrawal of an allocation if the recipient fails to maintain mutually agreed commitments relating to, amongst other things, employment, power utilization, and capital investment commitments.*

*In summary, the Board is requested to recommend that the Trustees approve contract extensions for 14 allocations of Recharge New York Power to existing customers, approve modifications related to three existing Recharge New York allocations, extensions and/or related supplemental commitments; and award 19 new, Recharge New York large business retention, large business expansion, and small business and not-for-profit based allocations.”*

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Recharge New York Power Program – New Allocations, as recommended by staff, was approved by the Board.

The following resolution was unanimously adopted by members of the Board present.

RESOLVED, That the Economic Development Power Allocation Board (“Board”) recommends that the Board of Trustees (“Trustees”) of the Power Authority of the State of New York (“Authority”) extend each of the existing 14 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” in the manner described in the foregoing

memorandum of the Senior Vice President, Clean Energy Solutions (the "Memorandum") for a term of 7 years, to commence (1) on the expiration of each such Allocation, or (2) at the Authority's discretion on a date to be agreed upon by the Authority and the customer, for a term not to exceed 7 years; and be it further

RESOLVED, That the Board also recommends that in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of the Allocations recommended herein, such terms and conditions include:

- (1) provisions for effective periodic audits of the customer whose Allocation is extended for the purpose of determining contract and RNY Power program compliance, and for the partial or complete withdrawal of an Extended Allocation if the customer fails to maintain mutually agreed upon commitments, including specifically commitments relating to, among other things, employment levels, power utilization, capital investments, and/or energy efficiency measures;
- (2) a requirement that the customer whose Allocation is extended (a) undertake at its own expense, an energy audit of its facilities at which the Extended Allocation would be consumed at least once during the term of the Extended Allocation absence good cause as determined by the Authority, and (b) provide the Authority with a copy of any such audit or, at the Authority's option, a report describing the results of such audit, and provide documentation requested by the authority relating to the implementation of any efficiency measures at the facilities; and
- (3) an agreement by the customer whose Allocation is extended to make its facilities available for audits and related assessments that the authority desires to perform, if any, and provide information requested by the authority or its designee in surveys, questionnaires and other information requests relating to energy efficiency and energy-related projects, programs and services; and
- (4) an agreement by the customer whose Allocation is extended that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly; and be it further

RESOLVED, That the Board recommends that the Trustees approve the modifications/adjustments to the RNY Power allocations, extensions, and/or related supplemental commitments described in Exhibit "B" for the reasons indicated in the Memorandum and Exhibit "B"; and be it further

RESOLVED, That the Board recommends that the Trustees approve the new RNY Power allocations for retention purposes to the applicants listed in Exhibit "C" in the amounts indicated therein; and be it further

RESOLVED, That the Board recommends that the Trustees approve the new RNY Power allocations for expansion purposes to the applicants listed in Exhibit "D" in the amounts indicated therein; and be it further

RESOLVED, That the Board recommends that the Trustees approve the new RNY Power allocations for retention and expansion purposes to the small businesses and/or not-for-profit applicants listed in Exhibit "E" in the amounts indicated therein; and be it further

RESOLVED, That the applicants listed in Exhibit "F" are not eligible to receive an RNY Power allocation for the reasons discussed in the foregoing memorandum and Exhibit "F"; and be it further

RESOLVED, That the application review process for the applicants listed in Exhibit "G" are terminated for the reasons discussed in the foregoing memorandum and Exhibit "G".

Economic Development Power Allocation Board  
 Extension Recommendations - RNY Power Allocations for Retention Purposes (Large Businesses, Small Business, and/or NFP Corporations)  
 Exhibit "A"  
 March 28, 2022

**Retention-Based Allocations**

Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Job Commitments	Capital Investment Commitment (\$)	Contract Term (Years)
1	GLOBALFOUNDRIES U.S. Inc.	Malta	Saratoga	Capital District	NGRID	Manufacturer of semiconductor products	15,000	15,000	2,300	\$1,655,000,000	7
	<b>Capital District Region Sub-totals:</b>						<b>15,000</b>	<b>15,000</b>	<b>2,300</b>	<b>\$1,655,000,000</b>	
2	Agrana Fruit US, Inc.	Baldwinsville	Onondaga	Central New York	NGRID	Manufacturer of fruit preparations	910	910	113	\$9,010,480	7
3	Cayuga Milk Ingredients, LLC	Auburn	Cayuga	Central New York	NYSEG	Manufacturer of dairy products	2,124	2,124	89	\$150,000,000	(1) 7
4	NYSERNet.org, Inc.	Syracuse	Onondaga	Central New York	NGRID	Technology solutions for education & research	56	56	12	\$373,850	(2) 7
	<b>Central New York Region Sub-totals:</b>						<b>3,090</b>	<b>3,090</b>	<b>214</b>	<b>\$159,384,330</b>	
5	Ametek Thermal Systems, Inc.	Garden City	Nassau	Long Island	LIPA	Manufacturer of heat exchangers	390	390	172	\$2,000,000	7
6	Contract Phamacal Corp.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of contract pharmaceuticals	878	1,090	1,414	\$15,000,000	(2),(3) 7
7	Eastern Wholesale Fence Co., Inc.	Calverton	Suffolk	Long Island	LIPA	Manufacturer of fence products	600	600	387	\$5,000,000	7
8	Globe Grinding Corp	Copague	Suffolk	Long Island	LIPA	Precision machining & grinding services	36	36	11	\$50,000	7
9	Kedrion Biopharma Inc.	Melville	Suffolk	Long Island	LIPA	Manufacturer of plasma-derived therapeutics	730	730	150	\$30,000,000	7
	<b>Long Island Region Sub-totals:</b>						<b>2,634</b>	<b>2,846</b>	<b>2,134</b>	<b>\$52,050,000</b>	
10	New York Law School	New York	New York	New York City	CONED	Independent law school	430	430	210	\$1,000,000	7
	<b>New York City Region Sub-totals:</b>						<b>430</b>	<b>430</b>	<b>210</b>	<b>\$1,000,000</b>	
11	Potsdam Specialty Paper, Inc.	Potsdam	St. Lawrence	North Country	NGRID	Manufacturer of specialty paper grades	2,116	2,116	67	\$5,000,000	7
	<b>North Country Region Sub-totals:</b>						<b>2,116</b>	<b>2,116</b>	<b>67</b>	<b>\$5,000,000</b>	
12	Advance 2000, Inc.	Williamsville	Erie	Western New York	NGRID	Cloud computing & data center	110	110	65	\$50,000	(4) 7
13	Costanzo's Bakery, LLC	Cheektowaga	Erie	Western New York	NYSEG	Bakery specializing in bread products	336	336	135	\$2,500,000	7
14	Durez Corporation	Niagara Falls	Niagara	Western New York	NGRID	Manufacturer of phenolic resin	286	286	56	\$3,000,000	7
	<b>Western New York Region Sub-totals:</b>						<b>732</b>	<b>732</b>	<b>256</b>	<b>\$5,550,000</b>	
<b>Totals</b>							<b>24,002</b>	<b>24,214</b>	<b>5,181</b>	<b>\$1,877,984,330</b>	

(1) The customer's Current kW Amount reflects a recent takeback of the unused portion of its original allocation.  
 (2) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.  
 (3) The customer is being recommended for an RNY Power contract extension at an increased kW amount due to its request to include additional sites not currently receiving RNY Power. Incorporating the additional sites into the RNY Power extension recommendation results in an increased level of jobs and capital investment committed as compared to the company's current contractual commitments.  
 (4) The company's extension-related job commitment is below the evaluation threshold as compared to its original employment commitment. However, at this time, a reduction to the extension kW amount is not being recommended.

Economic Development Power Allocation Board  
 Modifications to Existing Allocations, Extensions, and/or Related Supplemental Commitments

Exhibit "B"  
 March 28, 2022

Line	Company	City	County	Economic Development Region	IOU	Description	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	Albert Einstein College of Medicine, Inc.	Bronx	Bronx	New York City	CONED	Medical college & research facility	230	2,235	\$10,000,000	7
2	D'Addario & Company, Inc.	Farmingdale	Suffolk	Long Island	LIPA	Manufacturer of musical instrument strings	826	815	\$9,300,000	7
3	Topiderm Inc.	North Amityville	Suffolk	Long Island	LIPA	Manufacturer of pharmaceutical products	50	314	\$10,518,586	7

Economic Development Power Allocation Board  
 Recommendations - RNY Power Allocations for Retention Purposes

Exhibit "C"  
 March 28, 2022

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)		Contract Term (Years)
1	David Peysler Sportswear, Inc.	Bay Shore	Suffolk	Long Island	LIPA	Manufacturer of apparel products	700	276	278	0	\$1,000,000	(1), (2)	7
	<b>Long Island Region Sub-totals:</b>							<b>276</b>	<b>278</b>	<b>0</b>	<b>\$1,000,000</b>		
2	Olympic Ice Cream Co., Inc.	Richmond Hill	Queens	New York City	CONED	Manufacturer of frozen desserts	439	240	35	0	\$250,000		7
	<b>New York City Region Sub-totals:</b>							<b>240</b>	<b>35</b>	<b>0</b>	<b>\$250,000</b>		
3	Buffalo Wire Works Company, Inc.	Buffalo	Erie	Western New York	NGRID	Manufacturer of screening media products	623	340	179	0	\$4,250,000	(1), (2)	7
	<b>Western New York Region Sub-totals:</b>							<b>340</b>	<b>179</b>	<b>0</b>	<b>\$4,250,000</b>		
<b>Totals</b>								<b>856</b>	<b>492</b>	<b>0</b>	<b>\$5,500,000</b>		

- (1) This company is also recommended for an expansion-related allocation of RNY for separate and distinct job creation and capital investment commitments associated with the proposed business expansion.
- (2) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.

Economic Development Power Allocation Board  
 Recommendations - RNY Power Allocations for Expansion Purposes

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (1)	Base Employment (2)	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (Years)
1	Plug Power Inc.	Slingerlands	Albany	Capital District	NGRID	Manufacturer of fuel cell solutions	1,549	1,310	0	1,119	\$50,000,000	7
	<b>Capital District Region Sub-totals:</b>							<b>1,310</b>	<b>0</b>	<b>1,119</b>	<b>\$50,000,000</b>	
2	David Peyser Sportswear, Inc.	Bay Shore	Suffolk	Long Island	LIPA	Manufacturer of apparel products	700	490	278	50	\$31,000,000 (3), (4)	7
	<b>Long Island Region Sub-totals:</b>							<b>490</b>	<b>0</b>	<b>50</b>	<b>\$31,000,000</b>	
3	Buffalo Wire Works Company, Inc.	Buffalo	Erie	Western New York	NGRID	Manufacturer of screening media products	840	626	179	25	\$750,000 (3), (4)	7
4	Great Lakes Cheese Co., Inc.	Franklinville	Cattaraugus	Western New York	NGRID	Cheese manufacturing & packaging plant	12,000	5,366	0	200	\$515,000,000	7
	<b>Western New York Region Sub-totals:</b>							<b>5,992</b>	<b>0</b>	<b>225</b>	<b>\$515,750,000</b> (5)	

Totals

<b>7,792</b>	<b>0</b>	<b>1,394</b>	<b>\$596,750,000</b>
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- (1) All expansion-based RNY Power allocations are recommended to be “up to” the amount indicated pending the applicant’s compliance with contractual commitments, including commitments relating to job creation, capital investment spending and power utilization.
- (2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.
- (3) This company is also being recommended for a retention-based RNY Power allocation associated with separate and distinct contractual commitments relating to such matters as job retention, capital investment spending, and power utilization associated with an existing business.
- (4) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.
- (5) The company is planning to relocate operations from its plant in Cuba, NY to Franklinville, NY. As the project commences, the company's current RNY Power allocation and Temporary Power Assistance (TPA) award, within the Economic Development Customer Assistance Program, will be transferred from its Cuba site to the new project site in Franklinville.

Economic Development Power Allocation Board  
 Recommendations - RNY Power Allocations for Retention & Expansion Purposes (Small Business and/or NFP Corporations)

Exhibit "E"  
 March 28, 2022

Retention-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)		Contract Term (Years)
1	Rejuvenol Laboratories, Inc.	Copiague	Suffolk	Long Island	LIPA	Manufacturer of salon products	260	116	56	0	\$100,000	(1), (5)	7
2	Tens Machine Company, Inc.	Holbrook	Suffolk	Long Island	LIPA	Manufacturer of aerospace components	93	40	18	0	\$100,000		7
3	Twinco Mfg. Co., Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of railroad products	200	96	48	0	\$300,000		7
	<b>Long Island Region Sub-totals:</b>							<b>252</b>	<b>122</b>	<b>0</b>	<b>\$500,000</b>		
4	H&F Products, Inc.	Goshen	Orange	Mid-Hudson	ONR	Manufacturer of packaged foods	140	70	35	0	\$11,900,000	(6)	
5	Twin Star Orchards, LLC	New Paltz	Ulster	Mid-Hudson	CHUD	Apple farm & cider production	45	20	3	0	\$250,000	(1)	7
	<b>Mid-Hudson Region Sub-totals:</b>							<b>90</b>	<b>38</b>	<b>0</b>	<b>\$12,150,000</b>		
6	J.W. Burg Machine & Tool, Inc.	Akron	Eric	Western New York	NGRID	Precision machining services	150	16	6	0	\$300,000	(1)	7
	<b>Western New York Region Sub-totals:</b>							<b>16</b>	<b>6</b>	<b>0</b>	<b>\$300,000</b>		

Retention-Based Totals

<b>358</b>	<b>166</b>	<b>0</b>	<b>\$12,950,000</b>
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Expansion-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (2)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
7	24Ligne LLC	Rochester	Monroe	Finger Lakes	RGE	Craft distillery for alcohol production	105	50	34	11	\$1,900,000	7
8	Ionomr Innovations, Inc.	Rochester	Monroe	Finger Lakes	RGE	Fuel cell research & development	243	156	0	30	\$4,600,000	
<b>Finger Lakes Region Sub-totals:</b>								<b>206</b>	<b>34</b>	<b>41</b>	<b>\$6,500,000</b>	
9	Exergy, LLC	Garden City	Nassau	Long Island	LIPA	Manufacturer of heat exchangers	30	16	54	4	\$1,856,938	(4) 7
10	Rejuvenol Laboratories, Inc.	Copiague	Suffolk	Long Island	LIPA	Manufacturer of salon products	100	50	56	10	\$710,000	(1), (3), (5)
<b>Long Island Region Sub-totals:</b>								<b>66</b>	<b>1</b>	<b>14</b>	<b>\$2,566,938</b>	

**Expansion-Based Allocations (continued)**

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (2)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
11	Twin Star Orchards, LLC	New Paltz	Ulster	Mid-Hudson	CHUD	Apple farm & cider production	152	76	3	5	\$3,000,000	(1), (3) 7
<b>Mid-Hudson Region Sub-totals:</b>								<b>76</b>	<b>0</b>	<b>5</b>	<b>\$3,000,000</b>	
12	J.W. Burg Machine & Tool, Inc.	Akron	Erie	Western New York	NGRID	Precision machining services	50	26	6	2	\$1,550,000	(1), (3) 7
<b>Western New York Region Sub-totals:</b>								<b>26</b>	<b>0</b>	<b>2</b>	<b>\$1,550,000</b>	

**Expansion-Based Totals**

<b>374</b>	<b>35</b>	<b>62</b>	<b>\$13,616,938</b>
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**Retention & Expansion-Based Totals**

<b>732</b>	<b>201</b>	<b>62</b>	<b>\$26,566,938</b>
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- (1) The applicants are being recommended for both RNY retention and expansion-based allocations.
- (2) All expansion-based RNY Power allocations are recommended to be “up to” the amount indicated pending the applicant’s compliance with contractual commitments, including commitments relating to job creation, capital investment spending, and power utilization.
- (3) The number of new jobs committed will be above a base employment level specified in the applicant's retention-based allocation recommendation.
- (4) The applicant was previously approved for an RNY Power allocation. The base employment level refers to the applicant's current retained jobs, most of which are already associated with an existing power allocation.
- (5) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.
- (6) The applicant is proposing to relocate its operations to a new facility while retaining its current employment level. Since additional jobs will not be created, the applicant is being recommended for a retention-based allocation. The allocation is being recommended to be “up to” the amount indicated pending the applicant’s compliance with contractual commitments, including commitments relating to job retention, capital investment spending, and power utilization.



Economic Development Power Allocation Board  
 ReCharge New York Power Program  
 Informational Item - Applicants Not Eligible

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Niko Ventures, LLC	Menands	Albany	Capital District	NGRID	Retail commercial real estate	The applicant's business falls within EDPAB's definition of a retail business. Specifically, the applicant operates a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services.
2	Westchester County Health Care Corporation	Poughkeepsie	Dutchess	Mid-Hudson	CHUD	Hospital & healthcare services	The applicant is a public entity and is therefore ineligible for an RNY Power allocation.

Economic Development Power Allocation Board  
 ReCharge New York Power Program  
 Informational Item - Terminate Application/Review Process

Exhibit "G"  
 March 28, 2022

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Hampton Jitney, Inc.	Calverton	Suffolk	Long Island	LIPA	Motorcoach transportation services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
2	Hampton Jitney, Inc.	Southampton	Suffolk	Long Island	LIPA	Motorcoach transportation services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
3	Ramco Development and Holdings, LLC	Cortland	Cortland	Central New York	NGRID	Medical services facility	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.

**Economic Development Power Allocation Board  
Statutory Criteria - RNY Power Program**

**Exhibit "H"  
March 28, 2022**

Line	Criteria Description
1	The significance of the cost of electricity to the applicant's overall cost of doing business, and the impact that a Recharge New York power allocation will have on the applicant's operating costs;
2	The extent to which a Recharge New York power allocation will result in new capital investment in the state by the applicant;
3	The extent to which a Recharge New York power allocation is consistent with any regional economic development council strategies and priorities;
4	The type and cost of buildings, equipment and facilities to be constructed, enlarged or installed if the applicant were to receive an allocation;
5	The applicant's payroll, salaries, benefits and number of jobs at the facility for which a Recharge New York power allocation is requested;
6	The number of jobs that will be created or retained within the state in relation to the requested Recharge New York power allocation, and the extent to which the applicant will agree to commit to creating or retaining such jobs as a condition to receiving a Recharge New York power allocation;
7	Whether the applicant, due to the cost of electricity, is at risk of closing or curtailing facilities or operations in the state, relocating facilities or operations out of the state, or losing a significant number of jobs in the state, in the absence of a Recharge New York power allocation;
8	The significance of the applicant's facility that would receive the Recharge New York power allocation to the economy of the area in which such facility is located;
9	The extent to which the applicant has invested in energy efficiency measures, will agree to participate in or perform energy audits of its facilities, will agree to participate in energy efficiency programs of the authority, or will commit to implement or otherwise make tangible investments in energy efficiency measures as a condition to receiving a Recharge New York power allocation;
10	Whether the applicant receives a hydroelectric power allocation or benefits supported by the sale of hydroelectric power under another program administered in whole or in part by the New York Power Authority;
11	The extent to which a Recharge New York power allocation will result in an advantage for an applicant in relation to the applicant's competitors within the state; and
12	In addition to the foregoing criteria, in the case of a not-for-profit corporation, whether the applicant provides critical services or substantial benefits to the local community in which the facility for which the Recharge New York power allocation is requested is located.

4. **Transfer of Recharge New York Power Allocations**

**SUMMARY**

The Economic Development Power Allocation Board (“Board”) is requested to approve the transfer of the Recharge New York (“RNY”) Power allocations listed below, subject to the conditions discussed in this memorandum:

1. Transfer of a 3,476 kilowatt (“kW”) RNY Power allocation, awarded to DB USA Core Corporation (“DB”), for use at its 60 Wall Street, New York, New York facility, to a facility located at 1 Columbus Circle, New York, New York.
2. Transfer of a 10,000 kW RNY Power allocation awarded to Huron Real Estate Associates, LLC (“Huron”), for use at its 1701 North Street, Endicott, New York facilities, to Phoenix Endicott Industrial Investors, LLC (“Phoenix”), which has assumed ownership of Huron’s assets at this site.
3. Transfer of a 130 kW RNY Power allocation awarded to Producto Corporation (“Producto”) for use at its facility located at 2980 Turner Road, Jamestown, New York to Juniper Ring Acquisitions, LLC (“Juniper”), to address organizational changes.

The Board has previously approved transfers of RNY Power allocations in similar circumstances.

If the Board approves the requested transfers, the Trustees of the New York Power Authority (“Authority”) will also be requested to approve the transfers.

**DISCUSSION**

The following discussion describes the facts relating to the recommended transfers.

1) **DB USA Core Corporation**

DB was awarded a 3,476 kW RNY Power allocation for use at its facility at 60 Wall Street, New York. This facility has been the United States headquarters for Deutsche Bank.

In late 2021, DB relocated to its new headquarters located at 1 Columbus Circle, New York.

DB requests that its 3,476 kW RNY Power allocation be transferred for use at its 1 Columbus Avenue facility. The company has indicated that it will honor all commitments made under its RNY Power sale agreements with the Authority if the transfer is approved.

2) **Huron Real Estate Associates, LLC**

Huron was awarded a 10,000 kW RNY Power allocation for use at its campus facilities at 1701 North Street, Endicott, where it has owned and operated office and manufacturing space.

In February 2021, Phoenix purchased Huron’s real and personal property at the site, including the facilities that receive the power allocation. Phoenix has assumed the operations Huron previously conducted at this site using the work force that Huron employed.

Both companies have asked that the 10,000 kW RNY Power allocation be transferred to Phoenix to support Phoenix’s operations at the site. Phoenix has indicated it will honor all terms and commitments made by Huron under its RNY Power sale agreement with the Authority.

Producto was awarded a 130 kW RNY Power allocation, for use at its facilities at 2980 Turner Road, Jamestown. Producto manufactures rings, die springs, and die parts at this location.

On December 31, 2021, Producto sold its Ring Precision Components business located at its Jamestown facilities to Juniper.

Both companies have requested that the 130 kW RNY Power allocation be transferred from Producto to Juniper for use by Juniper at the Turner Road facility. Juniper has indicated it will honor all commitments including employment, power utilization, and capital investment commitments associated with Producto's 130 kW RNY Power allocation.

#### RECOMMENDATION

Staff recommends that the Board approve the transfers discussed above, subject to the following conditions: (1) approval of the transfer of the RNY Power allocations by NYPA; (2) there be no material reductions in the base employment level or capital investment commitment associated with the allocations that would be transferred; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfers.

For the reasons stated, I recommend the approval of the above-requested action by adoption of the resolution below.

***Chair Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions, to present the Transfer of Recharge New York ("RNY") Power Program Allocations to the Board.***

*Mr. Hayes said that the staff is requesting that EDPAB recommend that the Authority's Trustees approve the transfer of RNY power allocations for three customers experiencing business change necessitating such transfers as follows:*

*1) transfer of 3,476 kW RNY power allocation awarded to DB USA Core Corporation for use at its 1 Columbus Avenue, New York, New York, facility.*

*2) transfer of 10,000 kW RNY power allocation awarded to Huron Real Estate Associates, LLC, for use at its facility at 1701 North Street, Endicott, New York, to Phoenix Endicott Industrial Investors, LLC, which has assumed ownership of Huron's assets at the site.*

*3) transfer of 130 kW RNY power allocation awarded to Producto Corporation from its facility located at 2980 Tuner Road, Jamestown, New York, to Juniper Ring Acquisitions LLC for use at the same facility.*

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Transfer of RNY Power Program Allocations, as recommended by staff, was approved by the Board.

The following resolution was unanimously adopted by members of the Board present.

RESOLVED, That the transfer of a 3,476 kilowatt ("kW") Recharge New York ("RNY") Power allocation awarded to DB USA Core Corporation, for use at its facility located at 60 Wall Street, New York, New York, for use at the 1 Columbus Avenue, New York, New York facility, as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the New York Power Authority ("NYPA"); (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by NYPA to be appropriate to effectuate the transfer; and be it further

RESOLVED, That the transfer of the 10,000 kW RNY Power allocation awarded to Huron Real Estate Associates, LLC for use at its facility at 1701 North Street, Endicott, New York, to Phoenix Endicott Industrial Investors, LLC for use at the same facilities, as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by NYPA; (2) there be

no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by NYPA to be appropriate to effectuate the transfer; and be it further

RESOLVED, That the transfer of a 130 kW RNY Power allocation awarded to Producto Corporation, for use at its facility at 2980 Turner Road, Jamestown, New York, to Juniper Ring Acquisitions, LLC for use at the same facility, as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by NYPA; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by NYPA to be appropriate to effectuate the transfer.

**Other Business**

No other business to report.

**5. Next Meeting**

Chair Nicandri said that the next meeting of the Board would be held on Monday, May 23, 2022, at 9:00 a.m.

**Closing**

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the meeting was adjourned at approximately 8:53 a.m.

*Karen Delince*

Karen Delince  
Corporate Secretary