



NY State Economic Development Power Allocation Board

ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES

July 25, 2022 – 2:00 p.m.

Meeting Held Via Videoconference

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A regular meeting of the Economic Development Power Allocation Board was held via video conference, at approximately 2:00 p.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
Karen Delince	Vice President and Corporate Secretary, NYPA
Maribel Cruz	Vice President - Economic Development & Key Account Management – Clean Energy Solutions, NYPA
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Senior Associate Corporate Secretary, NYPA
Michele Stockwell	Project Coordinator – Corporate Secretary

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 July 25, 2022 Proposed Meeting Agenda

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the July 25, 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 March 28, 2022 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 22 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 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 applicant listed in Exhibit “F” is not recommended 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 to 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” to this report. 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 fourteen prior occasions spanning from October 2018 through March 2022. 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-four prior occasions spanning from April 2012 through March 2022. Currently, approximately 18 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 10 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 the Trustees' 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 22 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 3,500 jobs and more than \$95 million 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 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 and/or related supplemental commitments listed in Exhibit "B" be approved for the reasons presented below.

GUSC Energy Inc. ("GUSC") was previously approved for an expansion-based RNY Power allocation in the amount of 980 kilowatts ("kW") with commitments of 5,120 retained jobs, 200 new jobs, and \$70 million in capital spending. Prior to the expansion award approval, GUSC has been utilizing a retention-based RNY Power award of 6,730 kW for several years. The company operates a business and technology park in Rome (Oneida County) and the more recent expansion award is associated with the power needs of a new tenant, Orgill, Inc. which is proposing to create a distribution center within the campus. Since the expansion award is solely associated with one tenant, the Trustees are requested to modify the customer's job commitment for the expansion allocation to reflect a total of 200 new jobs. The retention award would remain with a commitment of 5,120 retained jobs.

Seviroli Foods, Inc. was previously approved for an expansion-based RNY Power allocation in the amount of 1,030 kW with commitments of 15 new jobs and \$1 million in capital spending. The expansion award is associated with the company's proposal to establish a new manufacturing facility in Hauppauge (Suffolk County). In recent communications with the customer, it was determined that the company underestimated its original requested electric demand for the new facility. For this reason, the Trustees are requested to approve a modification to the expansion-based RNY Power allocation to 1,500 kW. The employment and capital investment commitments would remain unchanged.

Columbia University in the City of New York was previously approved for a retention-based RNY Power allocation in the amount of 3,776 kW with commitments of 10,520 retained jobs and \$25 million in capital spending. The allocation is associated with the Columbia University Irving Medical Center campus. The organization has since indicated it would like to allocate portions of its RNY Power allocation to additional facilities/accounts not specifically listed in its application as facilities to receive power. For this reason, the Trustees are requested to authorize a modification to the customer's power contract to include the additional facilities/accounts.

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 Recommended

Staff recommends that the Board determine that the applicant listed in Exhibit "F" not be recommended to receive an RNY Power allocation at this time 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 22 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 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 applicant listed in Exhibit “F” is not recommended to receive an RNY Power allocation at this time 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 EDPAB recommends that the Authority’s Trustees approve 22 extension allocations totaling 4.6 MW and supporting nearly 3,500 jobs; 3 modifications related to existing RNY allocations and/or related supplemental commitments; 5 new, large business retention allocations totaling 12.2 MW and supporting the retention of 340 jobs; 5 large business expansion allocations totaling 19 MW and supporting the creation of nearly 780 jobs; and 11 new, small business and not-for-profit based allocations totaling 1.9 MW and supporting nearly 2,360 jobs. All applications were submitted through the state’s Consolidated Funding application system.

Mr. Hayes continued that, as in the past, new applications were evaluated on a competitive basis in consideration of the 12 criteria in the RNY Legislation which includes job commitments, capital investment, and an applicant’s risk of closure or leaving the state if they are not awarded a RNY power allocation. 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 Evaluation and Incentive Plan. If the recommendations are approved, approximately 10 MW of RNY power will remain available.

Mr. Hayes ended that the awarded applicants will be offered RNY contracts for a term of up to seven (7) years. The contract has provisions for the partial or complete withdrawal of an allocation if the recipient fails to maintain mutually agreed upon commitments relating to, amongst other things, employment, power utilization and capital investment commitments.”

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Recharge New York Power Program – New, Extended and Modified 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 22 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) in the manner described in the foregoing report of the Senior Vice President, Clean Energy Solutions (the “Report”) 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 and/or related supplemental commitments for the reasons indicated in the report; and be it further

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

RESOLVED, That the Board does not recommend an RNY Power allocation for the reasons discussed in the foregoing report; and be it further

RESOLVED, That the application review process is terminated for the reasons discussed in the foregoing report.

Economic Development Power Allocation Board											Exhibit "A"	
Extension Recommendations - RNY Power Allocations for Retention Purposes (Large Businesses, Small Business, and/or NEP Corporations)											July 25, 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	Hanes Supply, Inc.	Albany	Albany	Capital District	NGRID	Manufacturer of lifting ropes & cables	26	26	15	\$80,000		7
Capital District Region Sub-totals:							26	26	15	\$80,000		
2	WMT Precision, LLC	Auburn	Cayuga	Central New York	NYSEG	Manufacturer of machined components	80	80	15	\$150,000		7
Central New York Region Sub-totals:							80	80	15	\$150,000		
3	AlSCO Inc.	Rochester	Monroe	Finger Lakes	RGE	Supplier of industrial uniforms	270	270	140	\$4,000,000	(1)	7
4	Creative Food Ingredients, Inc.	Perry	Wyoming	Finger Lakes	NYSEG	Commercial bakery for cookie products	256	256	230	\$500,000		7
5	Hanes Supply, Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of lifting ropes & cables	36	36	30	\$160,000		7
Finger Lakes Region Sub-totals:							562	562	400	\$4,660,000		
6	Beach Terrace Care Center, Inc.	Long Beach	Nassau	Long Island	LIPA	Rehabilitation & nursing center	56	56	128	\$350,000		7
7	Berry Specialty Tapes, LLC	Riverhead	Suffolk	Long Island	LIPA	Manufacturer of tapes & adhesive products	366	366	108	\$1,000,000		7
8	Crescent Duck Farm, Inc.	Aquebogue	Suffolk	Long Island	LIPA	Duck farm & poultry processing	140	140	73	\$250,000		7
9	E B Industries, LLC	Farmingdale	Suffolk	Long Island	LIPA	Electron & laser beam welding services	46	46	38	\$500,000		7
10	East/West Industries, Inc.	Ronkonkoma	Suffolk	Long Island	LIPA	Manufacturer of aircraft safety products	46	46	84	\$100,000		7
11	Grandell Rehabilitation and Nursing Center, Inc.	Long Beach	Nassau	Long Island	LIPA	Rehabilitation & nursing center	90	90	193	\$2,000,000		7
12	Karp Associates Inc.	Melville	Suffolk	Long Island	LIPA	Manufacturer of access doors & partitions	290	290	125	\$500,000		7
13	Oceanside Care Center, Inc.	Oceanside	Nassau	Long Island	LIPA	Rehabilitation & nursing center	56	56	81	\$300,000		7
14	Precision Metals Corp.	Bay Shore	Suffolk	Long Island	LIPA	Manufacturer of machined metal parts	46	46	44	\$330,000		7
15	Queens Nassau Nursing Home, Inc.	Far Rockaway	Queens	Long Island	LIPA	Rehabilitation and nursing center	160	160	163	\$500,000		7
16	Richner Communications, Inc.	Garden City	Nassau	Long Island	LIPA	Publisher of community newspapers	120	120	103	\$100,000	(1)	7
Long Island Region Sub-totals:							1,416	1,416	1,140	\$5,930,000		
17	Precision Gear Industries LLC	College Point	Queens	New York City	CONED	Manufacturer of aerospace products	240	240	141	\$1,000,000		7
New York City Region Sub-totals:							240	240	141	\$1,000,000		
18	Nova Bus (US) Inc.	Plattsburgh	Clinton	North Country	NYSEG	Manufacturer of transit buses	90	90	274	\$4,500,000	(2)	7
North Country Region Sub-totals:							90	90	274	\$4,500,000		
19	BAE Systems Controls Inc.	Endicott	Broome	Southern Tier	NYSEG	Flight controls & avionic solutions	1,850	1,850	1,388	\$78,000,000		7
Southern Tier Region Sub-totals:							1,850	1,850	1,388	\$78,000,000		
20	Engineered Lifting Technologies, Inc.	Orchard Park	Erie	Western New York	NYSEG	Manufacturer of custom lifting products	40	40	13	\$10,000	(1)	7
21	Hanes Supply, Inc.	Buffalo	Erie	Western New York	NGRID	Manufacturer of lifting ropes & cables	46	46	80	\$400,000		7
22	Surmet Ceramics Corporation	Buffalo	Erie	Western New York	NGRID	Manufacturer of transparent armor products	250	250	14	\$500,000		7
Western New York Region Sub-totals:							336	336	107	\$910,000		
Totals							4,600	4,600	3,480	\$95,230,000		

(1) 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.
 (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										Exhibit "B"
Modifications to Existing Allocations and/or Related Supplemental Commitments										July 25, 2022
Line	Company	City	County	Economic Development Region	IOU	Description	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	GUSC Energy Inc.	Rome	Oneida	Mohawk Valley	NGRID	Business and technology park	980	200	\$70,000,000	7
2	Seviroli Foods, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of pasta specialties	1,500	15	\$1,000,000	7
3	The Trustees of Columbia University in the City of New York	New York	New York	New York City	CONED	Academic medical center	3,776	10,520	\$25,000,000	7

Economic Development Power Allocation Board												Exhibit "C"	
Recommendations - RNY Power Allocations for Retention Purposes												July 25, 2022	
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)		Contract Term (Years)
1	Ducommun Aerostructures New York, Inc.	Coxsackie	Greene	Capital District	CHUD	Manufacturer of aerospace components	2,501	1,250	270	0	\$10,000,000		7
2	Hexion Inc.	South Glens Falls	Saratoga	Capital District	NGRID	Manufacturer of formaldehyde blends	851	426	10	0	\$342,000		7
	Capital District Region Sub-totals:												
								1,676	280	0	\$10,342,000		
3	Empire Polymer Solutions, LLC	Baldwinsville	Onondaga	Central New York	NGRID	Processing of recycled plastic for manufacturing	404	260	20	0	\$500,000	(1)	7
	Central New York Region Sub-totals:												
								260	20	0	\$500,000		
4	Great Northern Fibers, LLC	West Babylon	Suffolk	Long Island	LIPA	Waste management & recycling solutions	403	260	40	0	\$500,000	(2)	7
	Long Island Region Sub-totals:												
								260	40	0	\$500,000		
5	Semiconductor Components Industries, LLC	Hopewell Junction	Dutchess	Mid-Hudson	CHUD	Manufacturer of semiconductor products	49,980	10,000	961	0	\$40,000,000		7
	Mid-Hudson Region Sub-totals:												
								10,000	0	0	\$40,000,000		
	Totals												
								12,196	340	0	\$51,342,000		
(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.													
								33,088	2,693	787	\$7,524,692,000		

Economic Development Power Allocation Board												Exhibit "D"	
Recommendations - RNY Power Allocations for Expansion Purposes												July 25, 2022	
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (1)	Base Employment (2)	Job Creation Commitment	Project Capital Investment (\$)	(3)	Contract Term (Years)
1	GLOBALFOUNDRIES U.S. Inc.	Malta	Saratoga	Capital District	NGRID	Manufacturer of semiconductor products	50,000	15,000	2,300	650	\$7,000,000,000	(3)	7
Capital District Region Sub-totals:								15,000	0	650	\$7,000,000,000		
2	Cayuga Milk Ingredients, LLC	Auburn	Cayuga	Central New York	NYSEG	Manufacturer of dairy products	1,431	1,000	94	34	\$78,500,000	(3)	7
3	Empire Polymer Solutions, LLC	Baldwinsville	Onondaga	Central New York	NGRID	Processing of recycled plastic for manufacturing	1,500	1,276	20	32	\$1,000,000	(4)	7
Central New York Region Sub-totals:								2,276	5	66	\$79,500,000		
4	Databank Holdings, Ltd.	Orangeburg	Rockland	Mid-Hudson	ONR	Data center & information technology management	9,000	1,000	0	10	\$83,400,000		7
Mid-Hudson Region Sub-totals:								1,000	0	10	\$83,400,000		
5	Louisiana-Pacific Corporation	Bath	Steuben	Southern Tier	NYSEG	Manufacturer of building materials	1,100	770	0	50	\$23,350,000	(5)	7
Southern Tier Region Sub-totals:								770	0	50	\$23,350,000		
Totals								19,046	5	776	\$7,186,250,000		
<p>(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.</p> <p>(2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.</p> <p>(3) The applicant was previously approved for an RNY Power allocation. The base employment level refers to the applicant's current retained jobs, most or all of which are already associated with an existing power allocation.</p> <p>(4) 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.</p> <p>(5) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.</p>													

Economic Development Power Allocation Board												Exhibit "E"
Recommendations - RNY Power Allocations for Retention & Expansion Purposes (Small Business and/or NFP Corporations)												July 25, 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	The Public Broadcasting Council of Central New York, Inc.	Syracuse	Onondaga	Central New York	NGRID	Public television & radio broadcasting	337	126	50	0	\$650,000	(1) 7
Central New York Region Sub-totals:								126	50	0	\$650,000	
2	Astro Electroplating LLC	Bay Shore	Suffolk	Long Island	LIPA	Manufacturer of metallic coatings	319	170	38	0	\$250,000	7
3	Howe Machine & Tool Corp.	Bethpage	Nassau	Long Island	LIPA	Manufacturer of aircraft components	39	16	9	0	\$250,000	
4	Long Island Ice and Fuel Corporation	Riverhead	Suffolk	Long Island	LIPA	Ice distributor & fuel services	330	106	22	0	\$500,000	
5	Maggio Environmental LLC	Yaphank	Suffolk	Long Island	LIPA	Waste management & recycling solutions	322	206	50	0	\$500,000	
6	Panor Corp.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of LED lighting products	52	30	43	0	\$100,000	7
7	Southold Recycling LLC	Cutchogue	Suffolk	Long Island	LIPA	Waste management & recycling solutions	223	140	40	0	\$500,000	7
Long Island Region Sub-totals:								668	202	0	\$2,100,000	
8	Barnard College	New York	New York	New York City	CONED	Institution of higher education	1,319	436	925	0	\$240,000,000	(4)
9	The New York and Presbyterian Hospital	New York	New York	New York City	CONED	Hospital & healthcare services	1,361	450	1,133	0	\$40,000,000	7
New York City Region Sub-totals:								886	2,058	0	\$280,000,000	
Retention-Based Totals								1,680	2,310	0	\$282,750,000	
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)
10	The Public Broadcasting Council of Central New York, Inc.	Syracuse	Onondaga	Central New York	NGRID	Public television & radio broadcasting	100	36	50	7	\$350,000	(1), (3) 7
Central New York Region Sub-totals:								36	0	7	\$350,000	
11	Oliver Gear Inc.	Tonawanda	Erie	Western New York	NGRID	Manufacturer of precision metal components	240	130	38	4	\$4,000,000	(5) 7
Western New York Region Sub-totals:								130	38	4	\$4,000,000	
Expansion-Based Totals								166	38	11	\$4,350,000	
Retention & Expansion-Based Totals								1,846	2,348	11	\$287,100,000	
<p>(1) The applicants are being recommended for both RNY retention and expansion-based allocations.</p> <p>(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.</p> <p>(3) The number of new jobs committed will be above a base employment level specified in the applicant's retention-based allocation recommendation.</p> <p>(4) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.</p> <p>(5) The applicant is proposing to relocate its operations to a new facility while retaining its current employment level. The number of new jobs committed will be above the current base employment level.</p>												

Economic Development Power Allocation Board							Exhibit "F"
ReCharge New York Power Program							July 25, 2022
Informational Item - Applicants Not Recommended							
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	United Nations	New York	New York	New York City	CONED	Intergovernmental organization	The applicant is unable to provide a contractual commitment on an employment level. Therefore, staff recommends that the Board not recommend the applicant for a ReCharge New York Power allocation at this time. Based on this outcome, potential eligibility issues have not been considered at this time.

Economic Development Power Allocation Board							Exhibit "G"
ReCharge New York Power Program							July 25, 2022
Informational Item - Terminate Application/Review Process							
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	ProGameCo.	Rochester	Monroe	Finger Lakes	RGE	Software development services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
2	Rivers LCSW PLLC	New York	New York	New York City	CONED	Psychological counseling services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
3	Stride and Strut, LLC	Brooklyn	Kings	New York City	CONED	Fine arts academy	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
4	Terry's Tips and Beef	Rochester	Monroe	Finger Lakes	RGE	Food trailer	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.

Economic Development Power Allocation Board										Exhibit "H"
Statutory Criteria - RNY Power Program										July 25, 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. Extension of the Economic Development Plan

SUMMARY

The Economic Development Power Allocation Board (“EDPAB” or “Board”) is requested to approve an extension of the Economic Development Plan (“Plan”) covering the use of net revenues produced by the sale of Expansion Power (“EP”) to provide electric bill discounts in the form of an Industrial Incentive Award (“IIA”) to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state. With EDPAB’s approval, the term of the Plan would be extended from June 1, 2022 to May 31, 2023. If EDPAB approves the extension, the Trustees of the New York Power Authority (“Authority”) will be asked to extend the term of an IIA to Pratt Paper (NY), Inc. (“Pratt”) from June 1, 2022 through May 31, 2023 for the reasons discussed below.

BACKGROUND

Public Authorities Law (“PAL”) §1005 (eighth unnumbered paragraph) directs the Authority to identify “net revenues” produced by the sale of EP and, further, to identify an amount of such net revenues that will be used solely for IIAs. The Authority is directed in PAL §1005 to identify net revenues available for IIAs no less often than annually. Net revenues are defined by PAL §1005 as any excess of revenues properly allocated to the sales of EP over costs and expenses properly allocated to such sales.

IIAs are to be made in conformance with an economic development plan covering all such “net revenues.” The Authority submits a Plan to EDPAB, pursuant to Economic Development Law (“EDL”) §188, which also provides for EDPAB’s approval of the Plan upon its determination that such Plan is consistent with, among other things, the criteria and requirements provided for in EDL §§184 and 185 that are used to evaluate applications for certain power. A copy of EDL §§ 184 and 185 is attached as Exhibit “A.”

At its October 26, 2009 meeting, EDPAB approved an Economic Development Plan that allows the use of net revenues from the sale of EP for the calendar years 2008 through and including 2016 to provide electric bill discounts to manufacturing companies located in New York State that are at identifiable risks of closing or relocating to another state.

At its May 21, 2013 meeting, the Authority’s Board of Trustees (“Trustees”) authorized an IIA to Pratt upon determining that Pratt had demonstrated it met the qualifying criteria for an IIA and after careful consideration of Pratt’s business case. The Trustees approved an annual amount of up to \$1 million per year for up to five (5) years.

At its September 27, 2016 meeting, the Trustees approved an extension of the Plan to May 31, 2018 and also authorized submission of such Plan to EDPAB to request its approval of the modified Plan to cover the remainder of the five-year term of the IIA to Pratt. At its December 12, 2016 meeting, EDPAB approved the extension of the Plan that allows the use of net revenues from the sale of EP to May 31, 2018. At its December 10, 2018 meeting EDPAB approved the extension of the Plan that allows the use of net revenues from the sale of EP to May 31, 2019.

At their March 26, 2019 meeting, the NYPA Trustees (1) approved an extension, from June 1, 2019 to May 31, 2020, of the Plan covering the use of net revenues produced by the sale of EP to provide electric bill discounts in the form of an IIAs to manufacturing companies located in New York State that are at risk of closure or relocation to another state; (2) authorized submission to EDPAB of a request to approve an extension, from June 1, 2019 to May 31, 2020, of the Plan; and (3) approved a one-year extension, from June 1, 2019 to May 31, 2020, of the term of the IIA previously awarded to Pratt in the amount of up to \$1 million in connection with its Staten Island operations, contingent upon EDPAB’s extension of the Plan.

At its meeting on September 24, 2019, EDPAB approved an extension of the Plan to provide electric bill discounts in the form of an IIA to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state from June 1, 2019 to May 31, 2020.

At its meeting on July 27, 2020, EDPAB approved an additional extension of the Plan to provide electric bill discounts in the form of an IIA to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state from June 1, 2020 to May 31, 2021.

At its meeting on September 27, 2021, EDPAB approved an additional extension of the Plan to provide electric bill discounts in the form of an IIA to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state from June 1, 2021 to May 31, 2022.

Pratt operates a paper mill, a corrugated box factory and a sorting facility in Staten Island within Consolidated Edison's service territory. Manufacturing processes represent a substantial portion of Pratt's total electricity consumption; energy costs are a primary consideration for the economic viability of the plant. Pratt's IIA, in the form of a cents per kWh price discount applied to a level of annual electric consumption, was approved subject to, among other appropriate terms and conditions:

- Reevaluation and reduction should Pratt's electric rates decline during the term of the IIA.
- The availability of EP net revenue funding for IIAs, which is in NYPA's sole discretion.
- Appropriate determination(s) by the Trustees that the funding of IIAs in any fiscal year will not have a significant impact on the Authority's finances.
- Approval of an extension of the Plan by EDPAB beyond 2021 to the extent that an IIA to Pratt would extend beyond such year.
- A reduction in the amount of the IIA if Pratt does not meet agreed-upon job commitments (256 full-time employees) at the Staten Island facility.
- An agreement providing for the IIA, and which address these and other appropriate terms and conditions in a form satisfactory to the Authority.

The Authority executed an agreement with Pratt ("Agreement") providing for the terms and conditions applicable to the Pratt IIA. The Agreement provided for an initial one-year term for the IIA and an extension of the IIA for four subsequent one-year terms at the Authority's discretion subject to conditions specified in the Agreement. The Authority subsequently executed an agreement with Pratt ("Amending Agreement") which provided for an additional one-year extension of the IIA. In accordance with the Agreement, as amended, Pratt received \$1 million for the extension and has received \$9 million in total for the IIA including extensions of the term of the award.

At the completion of the extended term, a compliance review and due diligence was performed on the terms and conditions of the Agreement. Pratt has been compliant for each annual term, most recently employing an average of 281 persons at its facility during the seventh annual term ending May 31, 2021. Due to the pandemic, compliance was suspended the last reporting year.

DISCUSSION

As the end of the ninth year of the extended IIA approached, Pratt requested an extension of the IIA. Upon review of Pratt's current business case, staff determined that Pratt continues to meet the IIA requirements of being a manufacturing company at risk of closing or curtailing operations and continues to be negatively impacted by high electricity costs within Consolidated Edison service territory which, according to Pratt, threatens the economic viability of operations at its Staten Island facility.

Pratt also indicates it is anticipating electricity delivery price increases in the near term based upon review of the existing utility tariff. The company also cited both higher utility taxes and a recent rate case filing for significant increases in delivery costs of natural gas as making the Staten Island plant less competitive than its facilities in other states, further jeopardizing its successful operations in New York.

Pratt indicates that additional expenses, including those related to compliance with a new requirement imposed by New York City relating to wastewater pre-treatment, are expected to further increase operating costs at the Staten Island facilities.

An extension of the IIA would support Pratt's ability to maintain its committed employment level of 256 jobs at its facility. NYPA and Pratt reached agreement on an offer to extend the IIA contingent upon necessary Trustee and EDPAB approvals.

Accordingly, staff recommends that EDPAB approve the extension of the Plan to May 31, 2023.

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB: (1) determine that the extended Plan and its implementation are consistent with the criteria and requirements provided for in EDL §§ 184 and 185; and (2) approve an extension to May 31, 2023 of the Plan covering the use of net revenues produced by the sale of Expansion Power to provide electric bill discounts in the form of IIAs to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state."

Chairman Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions, to present the Extension of the Economic Development Plan item to the Board.

"Mr. Hayes said that staff is requesting that the EDPAB members recommend that the Authority's Trustees approve an extension of the Economic Development Plan covering the use of net revenues produced by the sale of expansion power to provide electric bill discounts in the form of an Industrial Incentive Award (IIA) to manufacturing companies located in the State of New York that are at identifiable risks of closure or relocation to another state. He said that, with EDPAB's approval, the term of the Plan would be extended from June 1, 2022 to May 31, 2023.

He continued that on April 26, 2022, Pratt Paper (NY), Inc. ("Pratt"), submitted a request for an extension of the IIA beyond May 31, 2022. Upon review of Pratt's current business case, staff determined that Pratt continues to meet the IIA requirements of being a manufacturing company at risk of closing or curtailing operations and continues to be negatively impacted by high electricity costs which threaten the economic viability of operations at its Staten Island facility. An extension of the IIA would support Pratt's ability to maintain a committed employment level of 256 jobs at its facility in Staten Island."

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the extension of the Economic Development Plan 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 determines that, based staff's report and other information referred to therein, and the criteria and requirements provided for in Economic Development Law §§ 184 and 185 (collectively, the "Criteria"), the extended Economic Development Plan ("Plan") and its implementation are consistent with the Criteria, and therefore approves the extended Plan that provides for the use of net revenues from the sale of Expansion Power through May 31, 2023, in order to provide electric bill discounts in the form of Industrial Incentive Awards to manufacturing companies in New York State that are at identifiable risk of closure or relocation to another state, and for the reasons indicated in the foregoing report.

Economic Development Law §§ 184 AND 185

§ 184. Criteria for eligibility for economic development power. Each application for an allocation of economic development power shall be evaluated under criteria adopted by the board. Such criteria shall address, but need not be limited to:

- (a) the number of new jobs created as a result of an economic development power allocation;
- (b) the applicant's long-term commitment to New York state, as evidenced by the applicant's current and/or planned capital investment in business facilities in New York state;
- (c) the ratio of the number of jobs to be created to the amount of economic development power requested by the applicant;
- (d) the types of jobs created, as measured by wage and benefit levels, security and stability of employment;
- (e) the type and cost of buildings, equipment and facilities to be constructed, enlarged or installed;
- (f) the extent to which economic development power will affect the overall productivity or competitiveness of the applicant's business and its existing employment within the state;
- (g) the extent to which an allocation of economic development power may result in a competitive disadvantage for other businesses in the state;
- (h) the general economic conditions and economic distress in the area in which the applicant's business facility would be located and the extent to which economic development power could contribute to the alleviation of such distress;
- (i) the growth potential of the business facility and the contribution of economic strength to the area in which the business facility is or would be located;
- (j) the extent of the applicant's willingness to make jobs available to persons defined as eligible for services under the federal job training partnership act of nineteen hundred eighty-two and the extent of the applicant's willingness to satisfy affirmative action goals;
- (k) the extent to which an allocation of economic development power is consistent with state, regional and local economic development strategies and priorities and supported by local units of government in the area in which the business is located; and
- (l) the impact of the allocation on the operation of any other facilities of the applicant, on other businesses within the state, and upon other electric ratepayers.

§ 185. Revitalization programs. In addition to the criteria described in section one hundred eighty-four of this article and such other criteria as the board may by rule or regulation define, an economic development power allocation may be made to a business in serious, long-term distress that is not primarily caused by normal, short-term changes in the business cycle, when the applicant demonstrates to the satisfaction of the board:

(a) that the applicant has formulated and will implement a comprehensive business revitalization plan which is described in its application, and which:

(1) contains a detailed strategy for actions to be taken by the applicant to continue as a successful business, including, but not limited to, productivity and efficiency improvements, changes in operations, financing or management, measures to enhance labor and management cooperation and to improve the skills and performance of the work force at all levels, capital investment in new equipment and plant modernization, development of new markets and products, and such other actions as will enable the business to stabilize and sustain its operations;

(2) has been endorsed by the board of directors; and

(3) establishes a verifiable schedule for completion of proposed actions;

(b) that an allocation of economic development power will significantly contribute to the revitalization plan;

(c) that the business is likely to close, partially close or relocate out of state resulting in the loss of substantial numbers of jobs;

(d) that the business is an important employer in the community and efforts to revitalize the business are in the long-term interests of both employees and the community;

(e) that a reasonable prospect exists that the proposed revitalization plan will enable the business to remain competitive and become profitable and preserve jobs for a substantial period of time;

(f) that the applicant demonstrates cooperation with the local electricity distributor and other available sources of assistance to reduce energy costs to the maximum extent practicable, through conservation and load management; and

(g) that the allocation will not unduly affect the cost of electric service to customers of the local electricity distributor.

Other Business

No other business to report.

5. Next Meeting

Chair Nicandri said that the next meeting of the Board would be held on Wednesday, September 28, 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 2:12 p.m.

Karen Delince

Karen Delince
Corporate Secretary