



# Economic Development Power Allocation Board

KATHY HOCHUL  
Governor

JUDGE CECILY MORRIS  
Chair

## ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

### MINUTES

March 25, 2024

Meeting Held Via Videoconference

#### Subject

	<u>Page No.</u>	<u>Exhibits</u>
Introduction	2	
1. Adoption of the March 25, 2024 Proposed Meeting Agenda	2	
2. Adoption of the Minutes of the Meeting of December 11, 2023	2	
3. Recharge New York Power - New, Extended and Modified Allocations	2	
4. Transfer of RNY Power Allocations	11	
<b><u>OTHER BUSINESS</u></b>		
5. Next Meeting	12	
Closing	13	



# Economic Development Power Allocation Board

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A regular meeting of the Economic Development Power Allocation Board (“EDPAB”) was held via video conference, at approximately 9:00 a.m.

The following Members of the Board were present:

**Judge Cecily Morris, Chair**  
**Dennis Trainor, Member**  
**Andrew Silver, Member**

**Also in attendance were:**

Lori Alesio	Executive Vice President and General Counsel
Karen Delince	Vice President and Corporate Secretary, NYPA
Maribel Cruz-Brown	Senior Vice President – Customer Solutions, NYPA
Yale Brown	Senior Business Power Allocations & Compliance Analyst, NYPA
Mark Schwartzburt	Lead Power Contracts and Tariffs Analyst, NYPA
Karen White	Director – Community Affairs - STL
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Senior Associate Corporate Secretary, NYPA
Michele Stockwell	Senior Assistant – Corporate Secretary, NYPA

**Introduction**

Chair Cecily Morris welcomed members of the Board Dennis Trainor and Andrew Silver and Authority senior staff to the meeting. She 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 25, 2024 Proposed Meeting Agenda**

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the March 25, 2024 meeting was adopted.

***Chair Cecily Morris 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 11, 2023 were unanimously approved.

***Chair Cecil Morris invited Ms. Maribel Cruz-Brown, Senior Vice President of Customer Solutions, to present staff's recommendations to the Board.***

*Ms. Maribel Cruz-Brown said that staff is requesting that the members approve the recommendations of the ReCharge New York Power Allocations which will be presented by Mr. Yale Brown, Senior Business Power Allocations & Compliance Analyst and a ReCharge New York Power Allocation Transfer which will be presented by Mr. Mark Schwartzburt, Lead Power Contracts and Tariffs Analyst.*

**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") Board of Trustees ("Trustees") extend each of the two allocations of Recharge New York ("RNY") Power ("Allocation" or collectively "Allocations") awarded to the businesses listed in Exhibit "A" for a term of seven 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 seven 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 five 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 two 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 four 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 five 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:

- (a) 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;
- (b) 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, which may be 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;
- (c) 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
- (d) a requirement 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 seven 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 five 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 nineteen prior occasions spanning from October 2018 through December 2023. These recommendations pertain to existing RNY Power customers receiving an Extended Term of seven years.

RNY Power allocations pertaining to new applicants have been awarded by the Trustees on thirty-nine prior occasions spanning from April 2012 through December 2023. Currently, approximately 66 MW of RNY Power remains unallocated. This figure reflects actions taken by the Trustees 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 34 MW of RNY Power would 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 approval by the NYPA Trustees 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, the Authority's staff has reviewed applications from two 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 Trustees that the 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 135 jobs and \$1.3 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 seven years.

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

Staff requests that EDPAB recommend to the 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.

GLOBALFOUNDRIES U.S. Inc. (“Global Foundries”) was previously approved for an expansion-based RNY Power allocation in the amount of 15,000 kW with commitments of 2,950 total jobs (2,300 retained jobs and 650 new jobs) and \$7 billion in capital spending. The company, which is a manufacturer of semiconductor products, is authorized to utilize the allocation at its facility in Malta, New York (Saratoga County) for its expansion project to support chip production for General Motors (“Auto Project”). Global Foundries currently utilizes a separate 15,000 kW RNY Power allocation extension at the same site. Global Foundries has changed the scope of the expansion project and requests to modify its job and capital investment commitments associated with its expansion-based RNY Power allocation for the Auto Project. Staff requests that EDPAB recommend that the NYPA Trustees approve a modification to the expansion-based RNY Power allocation to Global Foundries for its Auto Project to reflect decreased commitment levels of 2,780 total jobs (2,300 retained jobs and 480 new jobs) and \$2.309 billion in capital spending. The proposed modification would not result in changes to the awarded RNY Power amount.

Madelaine Chocolate Novelties, Inc. (“Madelaine”) was previously approved for a retention-based RNY Power allocation extension in the amount of 370 kW with commitments of 200 retained jobs and \$0.2 million in capital spending. The company, which is a manufacturer of chocolate products, currently utilizes the allocation at its facility in Rockaway Beach, New York (Queens County). Madelaine has experienced load growth necessitating additional RNY Power. It has also experienced employment growth, which allows it to increase its current commitment of 200 jobs to its present employment level of 225 jobs. For these reasons, staff requests that EDPAB recommend that the NYPA Trustees approve an increase of the retention-based RNY Power allocation to 420 kW with an increased commitment level of 225 retained jobs. The proposed modification would not result in changes to the current extension-related capital investment commitment.

Museum of Science & Technology Foundation (“The MOST”) was previously approved for a retention-based RNY Power allocation extension in the amount of 100 kW with commitments of 32 retained jobs and \$0.13 million in capital spending. The company, which operates a science and technology museum, is authorized to utilize the allocation at its facility in Syracuse, New York (Onondaga County). The MOST has requested that its RNY Power contract be amended to add an additional facility/address to receive RNY Power. Staff supports this change, and requests that EDPAB recommend that the NYPA Trustees authorize a modification to the customer’s RNY Power contract to include the additional facility/ address.

Natural Organics, Inc. (“Natural Organics”) was previously approved for a retention-based RNY Power allocation in the amount of 610 kW with commitments of 288 retained jobs and \$1 million in capital spending. It was also approved for an expansion-based RNY Power allocation in the amount of 106 kW with commitments of 318 total jobs (288 retained jobs and 30 new jobs) and \$2.9 million in capital spending. The company, which is a manufacturer of vitamins and minerals, is authorized to utilize the allocations at its facilities located in Melville, New York and Amityville, New York (Suffolk County). Natural Organics inadvertently overstated its expansion project capital investment commitment. For this reason, staff requests that EDPAB recommend that the NYPA Trustees approve a modification to the expansion-based RNY Power allocation to Natural Organics to reflect a decreased capital investment commitment of \$2.125 million. The proposed modification would not result in any changes to the expansion-based RNY Power amount or job commitments. Similarly, the proposed modification would not result in any changes to the company’s retention-based RNY Power allocation.

XLI Manufacturing, LLC (“XLI”) was previously approved for a retention-based RNY Power allocation extension in the amount of 100 kW with commitments of 49 retained jobs and \$1.5 million in capital investment. The company, which is a manufacturer of mechanical components, currently utilizes the allocation at its facility in Rochester, New York (Monroe County). XLI has experienced load growth necessitating its request for additional RNY Power. The company employment has also experienced employment growth, allowing it to increase its current commitment of 49 jobs to its current employment level of 95 jobs. XLI also proposes to increase its current extension-related capital investment commitment from \$1.5 million to \$5 million. For these reasons, staff requests that EDPAB recommend that the NYPA Trustees approve a modification to the retention-based RNY Power allocation extension to XLI to reflect an

increased awarded amount of 220 kW with increased commitment levels of 95 retained jobs and \$5 million in capital spending.

In summary, staff supports the requested modifications, and therefore requests that EDPAB recommend that the NYPA Board of 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 seven 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 seven 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 seven-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 ineligible 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 two Allocations of RNY Power listed in Exhibit “A” be extended for a term of seven 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 seven 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".

*Mr. Yale Brown provided highlights of the staff's recommendation to the members. He said that the members are requested to recommend that the New York Power Authority's ("NYPA") Board of Trustees approve contract extensions for 2 allocations of ReCharge New York Power to existing customers; approve modifications related to 5 ReCharge New York allocation extensions 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 9 applicants. He added that all applications were submitted through the State's Consolidated Funding Application system.*

*He continued that, as in the past, new applications were evaluated on a competitive basis in consideration of the 12 criteria in the Recharge NY legislation which includes job commitments, capital investment, and an applicant's risk of closure or leaving the state if they are not awarded a ReCharge NY Power allocation. He further stated that 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. The recommendations also include 1 business with its facility located in a Disadvantaged Community.*

*The recommendations consist of the following:*

- *2 extension allocations totaling .2 MW's and supporting 135 jobs.*
- *5 modifications related to existing ReCharge New York allocations extensions and/or related supplemental commitments.*
- *2 new large business retention allocations totaling 1.2 MW's and supporting the retention of 245 jobs;*
- *4 new large business expansion allocations totaling 28.8 MW's and supporting the creation of 930 new jobs; and*
- *5 new small business and not-for-profit based allocations totaling 1.6 MW's and supporting more than 4,000 jobs.*

*He further continued that if the recommendations are approved, it is anticipated that approximately 34 MW's of RNY Power would remain available to allocate; the awarded applicants will be offered ReCharge NY contracts for a term of up to 7 years. In addition, 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, among other things, employment, power utilization, and capital investment.*

*Mr. Brown ended that the Board is being asked today to recommend that the Authority's Board of Trustees approve contract extensions for 2 allocations of ReCharge New York Power to existing customers; modifications related to 5 ReCharge New York extensions and/or related supplemental commitments; and award 11 new ReCharge New York large business retention, large business expansion, and small business and not-for-profit-based power allocations.*

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Recharge New York Power – 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 New York Power Authority ("NYPA") Board of Trustees ("Trustees") extend each of the existing two allocations of Recharge New York ("RNY") Power ("Allocation" or collectively "Allocations") in the manner described in the accompanying report of the Senior Vice President, Customer Solutions (the "Report") for a term of seven 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 seven 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 NYPA Trustees approve the five modifications/adjustments to the RNY Power allocations, extensions, and/or related supplemental commitments for the reasons indicated in the report; and be it further

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

RESOLVED, That the Board recommends that the NYPA Trustees approve the four new RNY Power allocations for expansion purposes in the amounts indicated in the report; and be it further

RESOLVED, That the Board recommends that the NYPA Trustees approve the five new RNY Power allocations for retention and expansion purposes to the small businesses and/or not-for-profit companies in the amounts indicated in the report; and be it further

RESOLVED, That the Board determine that the two identified applicants are not eligible to receive an RNY Power allocation for the reasons discussed in the report; and be it further

RESOLVED, That the Board terminates the application review process for the two identified applicants for the reasons discussed in the report.



# Economic Development Power Allocation Board

KATHY HOCHUL  
Governor

JUDGE CECILY MORRIS  
Chair

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

Exhibit "A"  
March 25, 2024

**Retention-Based Allocation:**

Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Job Commitments	Capital Investment Commitment (\$)	Contract Term (Years)	
1	Check-Mate International Products, Inc.	West Babylon	Suffolk	Long Island	LIPA	Manufacturer of high-precision tools	180	90	70	\$700,000	(1), (2)	7
2	Optima Foods, Inc.	Deer Park	Suffolk	Long Island	LIPA	Distributor of food products	60	60	65	\$600,000		7
Long Island Region Sub-totals:							240	150	135	\$1,300,000		

Totals:

240	150	135	\$1,300,000
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- (1) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.
- (2) The customer is being recommended for an RNY Power Allocation extension at a decreased kW amount due to their reduced level of extension jobs committed as compared to their current employment commitment.

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

Exhibit "B"  
March 25, 2024

Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	GLOBALFOUNDRIES U.S. Inc.	Malta	Saratoga	Capital District	NGRID	Manufacturer of semiconductor products	15,000	15,000	2,780	\$2,309,000,000	7
2	Madeline Chocolate Noveltes, Inc.	Rockaway Beach	Queens	New York City	LIPA	Manufacturer of chocolate products	370	420	225	\$200,000	7
3	Museum of Science & Technology Foundation	Syracuse	Onondaga	Central New York	NGRID	Science & technology museum	100	100	32	\$130,000	7
4	Natural Organics, Inc.	Melville	Suffolk	Long Island	LIPA	Manufacturer of vitamins & supplements	106	106	318	\$2,125,000	7
5	XLI Manufacturing, LLC	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of mechanical components	100	220	95	\$5,000,000	7

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

Exhibit "C"  
March 25, 2024

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)	Contract Term (Years)	
1	Fiorello Pharmaceuticals, Inc.	Warwick	Orange	Mid-Hudson	ONR	Cannabis growing & distribution facility	1,342	670	45	0	\$1,500,000	(1)	7
Mid-Hudson Region Sub-totals:								670	45	0	\$1,500,000		
2	Universal Instruments Corporation	Conklin	Broome	Southern Tier	NYSEG	Manufactures of precision automation solutions	1,061	530	200	0	\$100,000		7
Southern Tier Region Sub-totals:								530	200	0	\$100,000		

Totals:

1,200	245	0	\$1,600,000
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- (1) This company is also being recommended for an expansion-related allocation of RNY for separate and distinct job creation and capital investment commitments associated with the proposed business expansion.

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

Exhibit "D"  
 March 25, 2024

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	GLOBALFOUNDRIES U.S. Inc.	Malta	Saratoga	Capital District	NGRID	Manufacturer of semiconductor products	90,000	15,000	2,780	500	\$4,467,000,000 (3)	7
	Capital District Region Sub-totals:							15,000	0	500	\$4,467,000,000	
2	Fairlife, LLC	Webster	Monroe	Finger Lakes	RGE	Dairy manufacturing facility	12,100	8,470	0	250	\$650,000,000	7
	Finger Lakes Region Sub-totals:							8,470	0	250	\$650,000,000	
3	Fiorello Pharmaceuticals, Inc.	Warwick	Orange	Mid-Hudson	ONR	Cannabis growing & distribution facility	7,000	4,900	45	60	\$10,000,000 (4)	7
	Mid-Hudson Region Sub-totals:							4,900	0	60	\$10,000,000	
4	DG Distribution Northeast, LLC	Town Of Florida	Montgomery	Mohawk Valley	NGRID	Merchandise distribution center	600	420	0	120	\$35,420,000	7
	Mohawk Valley Region Sub-totals:							420	0	120	\$35,420,000	
<b>Totals:</b>							<b>28,790</b>	<b>0</b>	<b>930</b>	<b>\$5,162,420,000</b>		

- (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) The applicant was previously approved for RNY Power allocations. The base employment level refers to the applicant's retained jobs, most of which are already associated with existing power allocations and/or proposed modifications.
- (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.

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

Exhibit "E"  
 March 25, 2024

**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	Universal Instruments Corporation	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of precision automation solutions	142	70	40	0	\$25,000	7
	Finger Lakes Region Sub-totals:							70	40	0	\$25,000	
2	American Casting and Manufacturing Corporation	Plainview	Nassau	Long Island	LIPA	Manufacturer of security seals	316	156	35	0	\$575,000 (1), (2)	7
3	E B Industries, LLC	Farmingdale	Suffolk	Long Island	LIPA	Manufacturer of electron & laser beams	126	86	38	0	\$500,000 (2)	7
	Long Island Region Sub-totals:							242	73	0	\$1,075,000	
4	The New York and Presbyterian Hospital	Brooklyn	Kings	New York City	CONED	Hospital & healthcare services	3,865	1,286	3,921	0	\$75,000,000 (2)	7
	New York City Region Sub-totals:							1,286	3,921	0	\$75,000,000	
<b>Retention-Based Totals:</b>							<b>1,598</b>	<b>4,034</b>	<b>0</b>	<b>\$76,100,000</b>		

**Expansion-Based Allocation:**

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (3)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
5	American Casting and Manufacturing Corporation	Plainview	Nassau	Long Island	LIPA	Manufacturer of security seals	50	26	35	3	\$260,766 (1), (2), (4)	7
	Long Island Region Sub-totals:							26	0	3	\$260,766	
<b>Expansion-Based Totals:</b>							<b>26</b>	<b>0</b>	<b>3</b>	<b>\$260,766</b>		

**Retention & Expansion-Based Totals:**

<b>1,624</b>	<b>4,034</b>	<b>3</b>	<b>\$76,360,766</b>
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- (1) The applicants are being recommended for both RNY retention and expansion-based allocations.
- (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) 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.
- (4) The number of new jobs committed will be above a base employment level specified in the applicant's retention-based allocation recommendation.

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

Exhibit "F"  
 March 25, 2024

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	1332 Fulton Avenue Day Care Center, Inc.	Bronx	Bronx	New York City	CONED	Provider of childcare services	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	Moonrise Bagels Poughkeepsie LLC	Poughkeepsie	Dutchess	Mid-Hudson	CHUD	Retail bagel shop	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.

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

Exhibit "G"  
 March 25, 2024

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Automobili Mottola	TBD	Rockland	Mid-Hudson	CHUD	Automobile manufacturing plant	The applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
2	Byrne Dewitt, LLC	East Syracuse	Onondaga	Central New York	NGRID	Dairy processing facility	The 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 25, 2024

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 Allocation**

**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 report:

1. Transfer of a 3,510 kW RNY Power allocation and a pending 2,316 kW RNY Power allocation awarded to Intergrow Holding Company, Inc. (“Intergrow”), for use at its 663 Timothy Lane, Ontario, New York facilities, to SunGrow Holding Company LLC (“SunGrow”), to address organizational changes.

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

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

**DISCUSSION**

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

- 1) Intergrow Holding Company, Inc.

Intergrow was awarded a 3,510 kW RNY Power allocation and a 2,316 kW pending RNY Power allocation, for use at its facilities at 663 Timothy Lane in Ontario, where Intergrow operates greenhouses to grow fresh produce, primarily tomatoes sold to local and national grocers.

On March 31 2023, in an asset purchase agreement, Intergrow’s facility and assets at this location were acquired by SunGrow. This is a result of a joint venture between Intergrow and SunGrow, which is a collaboration between the owners of Intergrow and Mastronardi Produce Limited. The sale closed on May 12, 2023. SunGrow is continuing the same business as Intergrow at this location.

Intergrow and SunGrow request that the 3,510 kW RNY Power allocation and 2,316 kW pending RNY Power allocation be transferred from Intergrow to SunGrow to support SunGrow’s operations at the 663 Timothy Lane facilities. SunGrow has indicated to NYPA that it will honor all terms and commitments, including employment, power utilization, and capital investment commitments associated with the 3,510 kW RNY Power allocation, as well as with the pending 2,316 kW RNY Power allocation.

**RECOMMENDATION**

Staff recommends that the Board approve the transfer discussed above, subject to the following conditions: (1) approval of the transfer of the RNY Power allocations by the NYPA Board of Trustees; (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 transfer.

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

*Chair Morris invited Mark Schwartzburt, Lead Power Contracts and Tariffs Analyst, to provide highlights of staff's recommendation to the members.*

*Mr. Schwartzburt said that staff is requesting that the Board, as required by the Public Authorities Law, approve the transfer of award and allocations. He said that some of the reasons customers may require transfer of their award include business's reorganization, which include a corporate entity change, e.g., "Inc." to "LLC"; a merger or a split resulting in a change of Federal Tax ID; sale of the business to another business, resulting in a change of Federal Tax ID; and a move from one location in New York State to another location in New York State.*

*He continued that this request is for the Board to approve the transfer of Recharge New York Power allocations for a customer that has sold its greenhouse business and assets at a facility in Ontario, New York, to another business entity that will continue the same business operations at that facility.*

*He further continued that the request is subject to approval of the transfer of the RNY Power allocation by the Authority; there being no material reductions in the base employment level or capital investment commitment associated with the allocation that would be transferred; and the transfer is addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfer. Specifically, the Board is being asked today to recommend that the Trustees approve the transfer of a 3,510 kW Recharge New York Power allocation and appending 2,316 KW RNY Power Allocation awarded to Intergrow Holding Company, Inc. for use at its 663 Timothy Lane, Ontario, New York facility to SunGrow Holding, LLC to address organizational changes.*

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the transfer of New York Recharge Power 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 3,510 kW Recharge New York ("RNY") Power allocation and a pending 2,316 kW RNY Power allocation awarded to Intergrow Holding Company, Inc. for use at its facilities located at 663 Timothy Lane, Ontario, New York, to SunGrow Holding Company LLC for use at the same facilities , as described in the foregoing report be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the New York Power Authority ("NYPA") Board of Trustees; (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 the NYPA to be appropriate to effectuate the transfer."

## **OTHER BUSINESS**

No other business to report.

## **5. Next Meeting**

Chair Cecily Morris said that the next meeting of the Board will be held on February 5, 2024 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 9:12 a.m.

*Karen Delince*

Karen Delince  
Corporate Secretary