



# Economic Development Power Allocation Board

KATHY HOCHUL  
Governor

JUDGE CECILY MORRIS  
Chair

## ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

### MINUTES

July 25, 2023 – 9:00 a.m.

Meeting Held Via Videoconference

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Chair

A regular meeting of the Economic Development Power Allocation Board 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	Interim Executive Vice President and General Counsel
Karen Delince	Vice President and Corporate Secretary, NYPA
Maribel Cruz Brown	Vice President – Economic Development & Key Account Management – Clean Energy Solutions, NYPA
Yale Brown	Senior Business Power Allocations & Compliance Analyst
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 July 25, 2023 Proposed Meeting Agenda**

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the July 25, 2023 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 May 22, 2023 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 7 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” for a term of 7 years. The term would commence on the expiration of each such existing Allocation, or in the Authority’s discretion, on a date to be agreed upon by the parties, for a term not to exceed 7 years (collectively, the “Extended Term”), subject to the following conditions:
  - i. A customer whose Allocation would be extended would have to agree to provide supplemental commitments for, among other things, jobs and capital investments, as it has in its current RNY Power agreement(s) with the Authority (collectively, “Current RNY Power Agreement”) for the length of any Extended Term, through the incorporation of such supplemental commitments in the proposed final contract that is executed by the parties. With respect to capital investments, the vast majority of RNY Power customers (i.e., those who do not have project/expansion capital investment commitments) would be expected to meet a minimum capital investment commitment.
  - ii. Unless otherwise noted, each of the customers identified in Exhibit “A” is in compliance with its contractual obligations to the Authority under its Current RNY Power Agreement;
- (b) recommend that the Trustees approve modifications related to the previously approved RNY Power allocations, extensions, and/or related supplemental commitments for the customers listed in Exhibit “B”;
- (c) recommend that the Trustees award new allocations of RNY Power available for “retention” purposes to the businesses listed in Exhibit “C” in the amounts indicated therein;

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

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, 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;
- (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 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 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 “I” to this memorandum. 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 seventeen prior occasions spanning from October 2018 through March 2023. 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-seven prior occasions spanning from April 2012 through March 2023. Currently, approximately 19 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 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 Trustee approval would be governed by the form of RNY Power contract that was approved by the Trustees on March 26, 2019, and existing Authority Service Tariff RNY-1. The terms and conditions in the RNY Power contract form are consistent with the terms and conditions pertaining to the sale of Allocations as described above.

## DISCUSSION

### 1. Extension of Existing Allocations

For the current round of recommendations, Authority staff has reviewed applications from 7 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 more than 870 jobs and \$29.3 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 "I". As described above, each Allocation would be extended for a term not to exceed 7 years.

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

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

Currier Plastics, Inc. was previously approved for a retention-based RNY Power allocation extension in the amount of 456 kW with commitments of 150 retained jobs and \$1.25 million in capital spending. The company, which is a manufacturer of plastic molded products, currently utilizes the allocation at its facility in Auburn, New York (Cayuga County). In addition to the retention-based allocation, the company recently submitted an RNY Power application to extend its expansion-based allocation. It was determined that a consolidation of both allocations would be appropriate for the company moving

forward. For this reason, the Trustees are requested to approve modifications to the retention-based RNY Power allocation extension to reflect an awarded amount of 1,386 kW with commitments of 233 retained jobs and \$6 million in capital spending.

Margaret Woodbury Strong Museum was previously approved for retention and expansion-based RNY Power allocations. The organization, which operates a museum devoted to the history of play, currently utilizes its retention-based allocation in Rochester, New York (Monroe County). The retention-based allocation was approved in the amount of 260 kW with commitments of 169 retained jobs and \$1 million in capital spending. The expansion-based allocation was approved in the amount of 90 kW with commitments of 30 new jobs and \$60 million in new capital spending. In recent communications with the customer, it was determined that the organization inadvertently miscalculated its original job retention commitment by incorrectly classifying part-time and full-time positions. For this reason, the Trustees are requested to approve job commitment modifications to the retention-based RNY power allocation to 104 retained jobs, and to the expansion-based RNY power allocation of 30 new jobs for a total of 134 retained and new jobs.

NYU Langone Hospitals (“NYU Langone”) was previously approved for retention-based allocations at facilities located in Brooklyn and Manhattan. In recent communications with the customer, it was determined that a consolidation of its allocations would be appropriate for the organization moving forward. A combined campus allocation would provide NYU Langone with more administrative flexibility with respect to job and capital spending reporting across its various hospital and healthcare sites. In addition, NYU Langone has indicated it would like to consider allocating portions of its RNY Power allocation to additional facilities/accounts not specifically listed in its applications as facilities to receive power. The campus modification would allow NYU Langone to utilize its combined allocation at current and additional sites located in Brooklyn and Manhattan. For this reason, the Trustees are requested to approve a retention-based campus modification to reflect a combined awarded amount of 6,940 kW with commitments of 17,185 retained jobs and \$1.95 billion in capital spending.

Plastirunn Corporation (“Plastirunn”) was previously approved for a retention-based RNY Power allocation in the amount of 190 kW with commitments of 65 retained jobs and \$2 million in capital spending. The company, which is a manufacturer of disposable paper products, currently utilizes the allocation at its facility in Brentwood, New York (Suffolk County). The company recently submitted an RNY Power application requesting an additional retention-based allocation, and a new expansion-based allocation. Plastirunn has experienced load growth over the years and is currently exceeding its employment commitment by over 40 jobs. Regarding the additional retention-based request, it was determined that a modification to Plastirunn’s current retention-based allocation would be appropriate for the company moving forward. For this reason, the Trustees are requested to approve modifications to the company’s current retention-based allocation to reflect an awarded amount of 320 kW with commitments of 109 retained jobs and \$220,000 in capital spending. Staff also recommends that Plastirunn receive a new expansion-based allocation in the amount of 76 kW with commitments of 20 new jobs and \$4 million in capital spending.

The New York and Presbyterian Hospital was previously approved for a retention-based RNY Power allocation in the amount of 406 kW with commitments of 1,305 retained jobs and \$25 million in capital spending. The hospital, which is located in Bronxville, New York (Westchester County), has since indicated it would like to allocate its RNY Power allocation to an address at its facility in Bronxville that it did not specifically list in its application as a facility to receive power. For this reason, the Trustees are requested to authorize a modification to the customer’s power contract to include the additional facility address.

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

3. Retention-Based RNY Power Allocations

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

4. Expansion-Based RNY Power Allocations

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

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

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

6. Applicants Not Eligible

Staff recommends that the Board determine that the applicant listed in Exhibit “F” is not eligible to receive an RNY Power allocation for the reasons listed in Exhibit “F”.

7. Termination of Application Review Process

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

8. Applicants Not Recommended

Staff recommends that the Board determine that the applicant listed in Exhibit “H” would not be recommended to receive an RNY Power allocation for the reasons listed in Exhibit “H”.

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing 7 Allocations of RNY Power listed in Exhibit “A” be extended for a term of 7 years as described above, to commence on the expiration



of such Allocation, or at the Authority's discretion on a date to be agreed upon by the parties for a term not to exceed 7 years;

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

**Chair Cecil Morris invited Mr. Yale Brown, Senior Business Power Allocations & Compliance Analyst, to present staff's recommendation for the Recharge New York Power New, Extended and Modified Allocations to the Board.**

Mr. Brown said that the EDPAB Board is requested to recommend that the Trustees approve contract extensions for 7 allocations of Recharge New York Power to existing customers; modifications related to 6 Recharge New York allocations, 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 23 applicants. All applications were submitted through the State's Consolidated Funding Application system.

He said that, as in the past, new applications were evaluated on a competitive basis in consideration of the 12 criteria in the Recharge New York legislation including job commitments, capital investment, and an applicant's risk of closure or leaving the state if they are not awarded a Recharge New York Power allocation.

Mr. Brown continued that, applications for new Recharge New York Power allocations have been considered, where applicable, under NYPA's Green Job Evaluation Incentive Plan, and the Diversity, Equity, and Inclusion Evaluation and Incentive Plan. The recommendations, today, include 3 businesses with qualifying green jobs, one minority-owned business Enterprise, and 11 companies with facilities located in disadvantaged communities.

The recommendations consist of the following:

- 7 extension allocations totaling 1.9 megawatts and supporting more than 870 jobs;
- 6 modifications related to existing Recharge New York allocations, extensions, and/or related supplemental commitments;
- 3 new large business retention allocations totaling 0.9 megawatts and supporting the retention of more than 360 jobs;
- 8 new large business expansion allocations totaling 5.4 megawatts and supporting the creation of 680 new jobs; and
- 19 new small business and not-for-profit based allocations totaling 3.3 megawatts and supporting nearly 2,100 jobs.

He said that, if today's recommendations are approved, it is anticipated that approximately 10 megawatts of RNY Power would remain available to be allocated. The awarded applicants will be offered Recharge New York contracts for a term of up to 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, relation to, among other things, employment, power utilization, and capital.

Mr. Brown ended that the EDPAB Board is being asked to recommend that the Authority's Board of Trustees approve the aforementioned allocations.

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

The following resolution was unanimously adopted by the 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 7 allocations of Recharge New York ("RNY") Power ("Allocation" or collectively "Allocations") in the manner described in the accompanying memorandum of the Vice President, Economic Development & Key Account Management (the "Memorandum") for a term of 7 years, to commence (1) on the expiration of each such Allocation, or (2) at the Authority's discretion on a date to be agreed upon by the Authority and the customer, for a term not to exceed 7 years; and be it further

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

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

RESOLVED, That the Board recommends that the Trustees approve the modifications/adjustments to the RNY Power allocations, extensions, and/or related supplemental commitments for the reasons indicated in the Memorandum; 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 determines that the identified applicant is not eligible to receive an RNY Power allocation for the reasons discussed in the Attached Memorandum; and be it further

RESOLVED, That the Board terminates the application review process for the identified applicants for the reasons discussed in the Attached Memorandum; and be it further

RESOLVED, That the Board determines to not recommend an RNY Power allocation for the identified applicant for the reasons discussed in the Attached Memorandum.

#### **OTHER BUSINESS**

No other business to report.

5. **Next Meeting**

Chair Cecily Morris said that the next meeting of the Board would be held on Monday, September 25, 2023 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 9:08 a.m.

*Karen Delince*

Karen Delince  
Corporate Secretary