



# NY State Economic Development Power Allocation Board

ANDREW M. CUOMO  
Governor

## ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

### MINUTES

January 27, 2020 – 10:00 a.m.

*Via Videoconference from*

*Clarence D. Rappleyea Building, White Plains, New York*

***New York Power Authority Offices:  
123 Main Street, 16<sup>th</sup> Floor, White Plains, NY  
1890 Atlantic Avenue, Cocoa Beach, FL  
5780 Major Blvd., Orlando, FL  
Silver Law Office, 44 Court Street, Canton, NY***

1. Approval of the January 27, 2020 Proposed Meeting Agenda
2. Approval of the Minutes of the Meeting of December 9, 2019
3. Approval of Transfer of RNY Power Program Allocation

### **OTHER BUSINESS**

4. Next Meeting

A regular meeting of the Economic Development Power Allocation Board was held via videoconference at the following participating locations:

- 1) New York Power Authority, 123 Main Street, White Plains, NY
- 2) 1890 Atlantic Avenue, Cocoa Beach, FL
- 3) 5780 Major Blvd., Orlando, FL
- 4) Silver Law Office, 44 Court Street, Canton, NY

The following Members of the Board were present:

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

**Also in attendance were:**

Karen Delince	Vice President & Corporate Secretary, NYPA
Keith Hayes	Senior Vice President, Clean Energy Solutions, NYPA
Joseph Gryzlo	Vice President & Chief Ethics & Compliance Officer
Gerard McLoughlin	Manager, Power Contracts & Tariffs, NYPA
David Work	Senior Director Contract & Program Operations, NYPA
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Associate Corporate Secretary, NYPA

**Introduction**

*Chair Nicandri welcomed members of the Economic Development Power Allocation Board (“EDPAB”), Dennis Trainor and Andrew Silver. He also welcomed Authority senior staff to the meeting. He said that the meeting had been duly noticed as required by the Open Meetings Law and called the meeting to order pursuant to the EDPAB Bylaws, Article III, Section 2.*

1. **Approval of the Proposed Meeting Agenda**

*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.*

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the January 27, 2020 meeting was adopted.

2. **Approval of the Minutes**

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on December 9, 2019 were unanimously approved.

**3. Transfer of RNY Power Program Allocations**

SUMMARY

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

1. Transfer of a 2,000 kW Recharge New York (“RNY”) Power allocation awarded to Cayuga Operating Company LLC (“COC”) for use at 228 Cayuga Drive, Lansing, New York, to Cayuga Data Juice LLC (“CDJ”) in order 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 (“NYPA” or “Authority”) will also be requested to approve the transfer.

DISCUSSION

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

**1) Cayuga Operating Company LLC**

COC operates a 310 megawatt (“MW”) coal plant located at 228 Cayuga Drive, Lansing, New York. It will be closing the plant to comply with New York State’s clean energy plan to eliminate coal plants in the state by 2020. Furthermore, COC plans to be part of the new economy by creating an enterprise data hub on the 400 acre site focusing on delivering computing power for artificial intelligence, machine learning operations and other advanced computational power services sought by large end users with long term needs for computational capacity. The company presently has a pending 2,000 kW RNY Power allocation for use at its facilities in Lansing, New York.

CDJ, is a sister company to COC with common control and management, created for tax and financing purposes to enable the transformation of the coal plant into an enterprise data hub. Both COC and CDJ request that the pending 2,000 kW RNY Power allocation be transferred to CDJ for use at the 228 Cayuga Drive, Lansing, New York facility. CDJ will honor all commitments including employment, power utilization, and capital investment commitments related to the 2,000 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 allocation by NYPA; (2) there be no material reductions in the base employment levels or capital investment commitments associated with the allocation 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 Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions to present the Transfer of Recharge New York Power Program Allocations to the Board.*

*Mr. Hayes said staff is requesting that EDPAB recommend that the Authority's Trustees to approve the transfer of 1 Recharge New York Power Program Allocation to Cayuga Operating Company, LLC for the reasons stated above.*

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

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

**RESOLVED, That the transfer of the 2,000 kilowatt Recharge New York Power allocation is awarded to Cayuga Operating Company LLC, for use at its facility at 228 Cayuga Drive, Lansing, New York, to Cayuga Data Juice LLC for use at the same facility, as described in the foregoing memorandum ("Memorandum") be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the New York Power Authority ("NYPA"); (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.**

**Other Business**

No other business to report.

4. **Next Meeting**

*Chair Nicandri said that the next meeting of the Board would be held on Monday, March 23, 2020 at 10:00 a.m. via videoconference.*



**Closing**

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the meeting was adjourned.