



NY State Economic Development Power Allocation Board

ANDREW M. CUOMO
Governor

ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES

March 23, 2020 – 8:45 a.m.

Videoconference

1890 Atlantic Avenue, Cocoa Beach, FL
80 Pine Street, 37th Floor, New York, NY
44 Court Street, Canton, NY

1. Approval of the March 23, 2020 Proposed Meeting Agenda
2. Approval of the Minutes of the Meeting of January 27, 2020
3. Approval of Recharge New York Power Program – New Allocation
4. Approval of Transfer of RNY Power Program Allocation

OTHER BUSINESS

5. Next Meeting

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

- 1) 1890 Atlantic Avenue, Cocoa Beach, FL
- 2) 80 Pine Street, 37th Floor, New York, NY
- 3) 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:

Justin Driscoll	Executive Vice President & General Counsel, NYPA
Karen Delince	Vice President & Corporate Secretary, NYPA
Keith Hayes	Senior Vice President, Clean Energy Solutions, NYPA
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Associate Corporate Secretary, NYPA

Introduction

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

1. 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 March 23, 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 January 27, 2020 were unanimously approved.

3. Recharge New York Power Program – New Allocations

SUMMARY

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

1. recommend that the New York Power Authority (“Authority” or “NYPA”) Trustees (“Trustees”) award allocations of Recharge New York (“RNY”) Power available for “expansion” purposes to the businesses listed in Exhibit “A”;
2. recommend that the Trustees award allocations of RNY Power available for eligible small businesses and/or not-for-profit corporations to the entities listed in Exhibit “B”;
3. determine that the applicant or projects listed in Exhibit “C” will not be recommended for an allocation of RNY Power; and
4. terminate the application review process for the applicants listed in Exhibit “D”.

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 (“Allocations”), such terms and conditions include:

- (1) provisions for effective periodic audits of the customer for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an Allocation if the holder fails to maintain mutually agreed upon commitments, relating to, among other things, employment levels, power utilization, capital investments, and/or energy efficiency measures;
- (2) a requirement that the customer (a) undertake at its own expense an energy audit of its facilities at which the allocation is consumed at least once during the term of the allocation absent good cause, 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 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.

BACKGROUND

On April 14, 2011, Governor Andrew M. Cuomo signed into law the RNY Power Program as part of Chapter 60 (Part CC) of the Laws of 2011 (“Chapter 60”). The program makes available 910 megawatts (“MW”) of “RNY Power,” 50% of which will be provided by the Authority’s 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 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; at least 200 MW of RNY Power shall be dedicated to the purpose of attracting new businesses and encouraging expansion of existing businesses statewide; and up to 100 MW shall be dedicated for eligible not-for-profit corporations and eligible small businesses statewide.

Under the statute, “eligible applicant” is defined 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. At its meeting on April 24, 2012, EDPAB defined a retail business as 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, consistent with the rules previously promulgated by EDPAB for implementation of the Authority’s Economic Development Power program.

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 a RNY Power allocation, the Authority must offer each eligible applicant that has received an award of RNY Power the option to decline to purchase the RNY Market Power component of such award. If the applicant declines to purchase the RNY Market Power component from the Authority, the Authority has no responsibility for supplying RNY Market Power component of the award.

As part of Governor Andrew M. Cuomo’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.

Applications for RNY Power are subject to a competitive evaluation process and are evaluated based on criteria set forth in the governing statutes (“RNY Statutes”): The statutory criteria are listed in Exhibit “E” to this memorandum.

RNY Power allocations have been awarded by the Trustees on twenty-five prior occasions spanning from April 2012 through December 2019. Of the 200 MW block of RNY Power made available pursuant to Chapter 60 for business “expansion” purposes, 85.7 MW remain unallocated. Of the 100 MW of RNY Power that is set aside for not-for-profit corporations and small businesses pursuant to Chapter 60, 1.5 MW remain unallocated. Of the remaining RNY Power made available pursuant to Chapter 60, 112 MW remain unallocated.

These figures reflect Trustee actions on RNY Power applications taken prior to any recommendations that EDPAB makes today.

An allocation recommended by EDPAB qualifies the subject applicant to enter into a contract with the Authority for the purchase of the RNY Power assuming that the Authority concurs with EDPAB and makes an allocation award.

DISCUSSION

For the current round of recommendations, Authority staff has reviewed applications seeking RNY Power allocations. Exhibits “A” and “B” list, among other things, a description of the applicant and its business, the amount of the allocation requested, the amount of the allocation recommended, the jobs that would be created and/or retained, the proposed capital investment, and the proposed allocation term. Based on the evaluation of the criteria listed in Exhibit “E”, the applications were scored and ranked.

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.

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 scored relatively high were recommended for allocations of 33% of the requested amount or average historic demand, whichever was lower. These allocations were capped at 5 MW. Applicants currently receiving hydropower allocations under other Authority power programs were recommended for allocations of RNY Power of 25% of the requested amount, subject to the caps as stated above.

1. Expansion-Based RNY Power Allocations

Staff recommends that EDPAB recommend to the NYPA Trustees that the applications listed on Exhibit “A” 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 noted in Exhibit “A”, these applications 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.

Applications for the expansion-based RNY Power were scored based on the statutory criteria, albeit with a focus on information regarding each applicants’ specific project to expand or create their new facility or business (e.g., the expansion project’s cost, associated job creation, and new electric load due to the expansion).

The respective amounts of the expansion-related allocations listed in Exhibit “B” are largely intended to provide approximately 70% of the individual expansion projects’ estimated new electric load. Because these projects have estimated new electric load amounts, and to ensure that an applicant’s overestimation of the amount needed would not cause that applicant to receive a higher proportion of RNY Power to new load, the allocations in Exhibit “A” are recommended on an “up to” amount basis. Each of these applicants would be required to, among other commitments, add the new electric load as stated in its application, and would be allowed to use up to the amount of their RNY Power allocation in the same proportion of the RNY Power allocation to requested load as stated in Exhibit “A.”

The RNY Power “expansion” allocations identified in Exhibit “A” are each recommended for a term of 7 years unless otherwise indicated. The Authority’s RNY Power sale contract will contain provisions addressing such matters as:

- supplemental commitments by the customer relating to job creation, capital investments and power usage;
- 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 mutually agreed upon commitments, relating to among other things, employment levels, power utilization, and capital investments;
- a requirement that a recipient of an allocation perform an energy efficiency audit at its facility; and
- an agreement by the customer to make its facilities available for audits and related assessments that the Authority desires to perform, and provide information requested by the Authority relating to energy efficiency and energy-related projects, programs and services

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

Staff also recommends that EDPAB recommend to the NYPA Trustees that the small business and/or not-for-profit applicants listed on Exhibit “B” be awarded RNY Power allocations in the amounts

indicated therein. 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 "B". The contracts for these allocations would also contain the provisions previously summarized in section 1 above.

3. Applications Not Recommended for RNY Power

Based on its review of the application of the company listed in Exhibit "C", staff recommends that the Board not recommend the application listed on Exhibit "C" for RNY Power for the reason described in Exhibit "C".¹

4. Termination of Application Review Process

Staff recommends that the Board terminate the application review process for the applicants for RNY Power listed in Exhibit "D" on the grounds that the applicants listed have submitted incomplete applications, or have not been responsive to requests by staff for additional information, preventing a complete analysis of the application and rendering the subject RNY Power application(s) incomplete.

5. Recommendations on Terms and Conditions

Staff recommends that the Board 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 by the Board as recommended in Exhibits "A" and "B", such terms and conditions include:

- (a) provisions for effective periodic audits of the customer for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an 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 undertake at its own expense an energy audit of its facilities at which the allocation is consumed 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; and
- (c) an agreement by the customer 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.

RECOMMENDATION

For the reasons stated above, staff recommends that the Board:

- 1. Recommend that the Authority Trustees award allocations of RNY Power (a) for expansion purposes to the businesses listed in Exhibit "A" in the amounts indicated therein, and (b) to the small business and/or not-for-profit applicants listed in Exhibit "B" in the amounts indicated therein;

⁷_____

¹ In view of the recommended disposition of the application listed on Exhibit "C", staff has not considered the eligibility of the applicant listed on Exhibit "C", and is not making any recommendations concerning eligibility at this time.

2. Recommend that terms and conditions for the sale of any such allocations include:
 - (a) provisions for effective periodic audits of the customer for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an 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 undertake at its own expense energy audits of its facilities at which the 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; and
 - (c) an agreement by the customer 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.
3. Determine that the applicant listed in Exhibit "C" will not be recommended for an allocation of RNY Power for the reason discussed in Exhibit "C".
4. Determine that the application review process for the applicants listed in Exhibit "D" will be terminated for the reasons discussed in Exhibit "D".

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 13 Recharge New York Power Program Allocations 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 Economic Development Power Allocation Board (“Board”) approves that the Board of Trustees (“Trustees”) of the Power Authority of the State of New York (“Authority”) award allocations of Recharge New York (“RNY”) Power for expansion purposes to the businesses listed in Exhibit “A” to the attached memorandum of the Senior Vice President of Clean Energy Solutions (the “Attached Memorandum”) in the amounts indicated therein for the reasons indicated in Exhibit “A” and the Attached Memorandum; and be it further

RESOLVED, That the Board approves that the Authority Trustees award allocations of RNY Power to the small businesses and/or not-for-profit corporations listed in Exhibit “B” to the Attached Memorandum in the amounts indicated therein for the reasons indicated in Exhibit “B” and the Attached Memorandum; and be it further

RESOLVED, That the Board 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 for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an 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;**
- (2) a requirement that the customer undertake at its own expense energy audits of its facilities at which the 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; and**
- (3) an agreement by the customer 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 be it further

RESOLVED, That the applicant listed in Exhibit “C” is not recommended for RNY Power for the reason discussed in the Attached Memorandum and Exhibit “C”; and be it further

RESOLVED, That the application review process for the applicants listed in Exhibit “D” is terminated for the reasons discussed in the Attached Memorandum and Exhibit “D”.

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

Exhibit "A"
 March 23, 2020

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	Magellan Aerospace Processing, Long Island, Inc.	West Babylon	Suffolk	Long Island	LIPA	Manufacturer of aerospace systems	150	106	136	2	\$519,000	(3) 7
2	Marine Interface, Inc.	Glen Cove	Nassau	Long Island	LIPA	Design of marine propulsion systems	1,100	770	0	16	\$4,000,000	7
Long Island Region Sub-totals:								876	0	18	\$4,519,000	

Totals

876	0	18	\$4,519,000
------------	----------	-----------	--------------------

- (1) All expansion-based RNY Power allocations are recommended to be “up to” the amount indicated pending the applicant’s compliance with contractual commitments, including commitments relating to job creation, capital investment spending and power utilization.
- (2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.
- (3) This applicant was previously approved for an RNY Power allocation. The base employment level refers to the applicant’s retained jobs, which are already associated with an existing power allocation.

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

Exhibit "B"
 March 23, 2020

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	2758 Trombley Road, LLC	Weedsport	Cayuga	Central New York	NYSEG	Bulk trucking services	40	20	70	0	\$1,100,000	(1) 7
Central New York Region Sub-totals:								20	70	0	\$1,100,000	
2	Vertex Optics, Inc.	Victor	Ontario	Finger Lakes	RGE	Manufacturer of optical components	34	16	8	0	\$2,297,000	(1) 7
Finger Lakes Region Sub-totals:								16	8	0	\$2,297,000	
3	Exergy, LLC	Garden City	Nassau	Long Island	LIPA	Manufacturer of heat exchangers	67	30	43	0	\$200,000	(1) 7
4	J. T. D. Stamping Co., Inc.	West Babylon	Suffolk	Long Island	LIPA	Manufacturer of metal washers	179	86	36	0	\$25,000	7
Long Island Region Sub-totals:								116	79	0	\$225,000	
5	Losurdo Foods, Inc.	Amsterdam	Montgomery	Mohawk Valley	NGRID	Manufacturer of frozen pizza dough	265	130	25	5	\$350,000	7
Mohawk Valley Region Sub-totals:								130	25	5	\$350,000	

Retention-Based Totals

282	182	5	\$3,972,000
------------	------------	----------	--------------------

Expansion-Based Allocations

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)
6	Lumazu LLC	Johnsburg	Warren	Capital District	NGRID	Dairy farm for cheese production	24	10	12	6	\$706,146	7
Capital District Sub-totals:								10	12	6	\$706,146	
7	2758 Trombley Road, LLC	Weedsport	Cayuga	Central New York	NYSEG	Bulk trucking services	50	26	70	15	\$10,000,000	(1), (2) 7
Central New York Region Sub-totals:								26	0	15	\$10,000,000	
8	Vertex Optics, Inc.	Victor	Ontario	Finger Lakes	RGE	Manufacturer of optical components	200	100	8	20	\$1,147,000	(1), (2) 7
Finger Lakes Region Sub-totals:								100	0	20	\$1,147,000	

Expansion-Based Allocations (continued)

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)
9	AD Gelato Inc.	Williston Park	Nassau	Long Island	LIPA	Manufacturer of frozen desserts	85	40	9	1	\$1,500,000	7
10	Exergy, LLC	Garden City	Nassau	Long Island	LIPA	Manufacturer of heat exchangers	20	10	43	10	\$75,000	(1), (2) 7
Long Island Region Sub-totals:								50	9	11	\$1,575,000	
11	PCB Piezotronics, Inc.	Lancaster	Erie	Western New York	NYSEG	Manufacturer of piezoelectric sensors	250	126	15	15	\$6,000,000	(4) 7
Western New York Region Sub-totals:								126	0	15	\$6,000,000	

Expansion-Based Totals

312	21	67	\$19,428,146
------------	-----------	-----------	---------------------

Retention & Expansion-Based Totals

594	203	72	\$23,400,146
------------	------------	-----------	---------------------

(1) These applicants are being recommended for both RNY retention and expansion-based allocations.
 (2) The number of new jobs committed will be above a base employment level specified in the applicant's retention-based allocation recommendation.
 (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
 (4) The base employment level refers to the applicant's retained jobs, which are already associated with an existing power allocation at a separate site, relocating to a new facility.

Economic Development Power Allocation Board
 ReCharge New York Power Program
 Informational Item - Applicants/Applications Not Recommended for RNY Power Allocation

Exhibit "C"
 March 23, 2020

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	IEH Corporation	Brooklyn	Kings	New York City	CONED	Manufacturer of printed circuit board connectors	Specific entities within the facility that would use and receive the benefit of an RNY allocation would not have a utility account or utility grade demand meter, and therefore it would not be possible for the utility to collect demand and usage data from specific users of RNY Power.

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

Exhibit "D"
 March 23, 2020

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Protagonista LLC	Bronx	Bronx	New York City	CONED	Studio space for arts & crafts	Applicant submitted an incomplete application.
2	Tekweld Solutions, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Supplier of promotional products	Applicant submitted an incomplete application.
3	Vetted Tech Inc.	Syracuse	Onondaga	Central New York	NGRID	Manufacturer of polymer & metal components	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
4	WCV Media Inc.	Watertown	Jefferson	North Country	NGRID	Supercomputing facility for cryptomining	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.

EXHIBIT E
(Statutory Criteria – RNY Power Program)

- 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;
- the extent to which a Recharge New York power allocation will result in new capital investment in the state by the applicant;
- the extent to which a Recharge New York power allocation is consistent with any regional economic development council strategies and priorities;
- the type and cost of buildings, equipment and facilities to be constructed, enlarged or installed if the applicant were to receive an allocation;
- the applicant's payroll, salaries, benefits and number of jobs at the facility for which a Recharge New York power allocation is requested;
- 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;
- 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;
- 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;
- 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;
- 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;
- 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
- 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 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. A pending 1,000 kilowatt (“kW”) Recharge New York (“RNY”) Power allocation awarded to Ramland Holdings, LLC (“RHL”) for use at 1 Ramland Road, Orangeburg, New York, to 1 Ramland Road Owner, LLC (“Ramland”) 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 (“Authority”) will also be requested to approve the transfer.

DISCUSSION

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

1) Ramland Holdings, LLC

RHL bought land and a vacant industrial building located at 1 Ramland Road, Orangeburg, New York and redeveloped it into a data center. The company has a pending 1,000 kW RNY Power allocation. The capital investment for the project to which RHL committed in connection with the RNY Power allocation has been satisfied.

RHL sold all of its land and assets to Ramland. Both RHL and Ramland request that the pending 1,000 kW RNY Power allocation be transferred to Ramland for use at the 1 Ramland Road data center. Ramland has agreed to honor all remaining commitments related to the RNY Power allocation including employment, power utilization, and energy efficiency commitments related to the 1,000 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 level or capital investment commitment 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 Ramland Holdings, LLC ("RHL").

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 1,000 kilowatt ("kW") Recharge New York Power allocation is awarded to Ramland Holdings, LLC, for use at its facility at 1 Ramland Road, Orangeburg, New York, to 1 Ramland Road Owner, 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.

7. **Next Meeting**

Chair Nicandri said that the next meeting of the Board would be held on Monday, May 11, 2020 via videoconference.

Closing

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