



NY State Economic Development Power Allocation Board

ANDREW M. CUOMO
Governor

ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

AGENDA

**Monday, July 26, 2021
Videoconference – 9:00 a.m.**

- 1. Adoption of the July 26, 2021 Proposed Meeting Agenda**
- 2. Adoption of the Minutes of the Meeting of May 24, 2021**
- 3. Recharge New York Power – New, Extended and Modified Allocations**

OTHER BUSINESS

- 4. Next Meeting**



NY State Economic Development Power Allocation Board

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ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES
May 24, 2021 – 9:00 a.m.

Videoconference

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A regular meeting of the Economic Development Power Allocation Board was held via videoconference.

The following Members of the Board were present:

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

Also in attendance were:

Keith Hayes	Senior Vice President, Clean Energy Solutions, NYPA
Karen Delince	Vice President & Corporate Secretary, 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 May 24, 2021 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 March 29, 2021 were unanimously approved.

3. Transfer of Recharge New York Power Allocations

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 pending 700 kilowatt (“kW”) Recharge New York (“RNY”) Power allocation awarded to CleanFiber, LLC (“CleanFiber”) for its use at its facility at 250 Lake Road, Blasdell, New York, to its subsidiary, CleanFiber Buffalo, LLC (“CleanFiber Buffalo”), to address organizational changes.
2. Transfer of a 780 kW RNY Power allocation awarded to Fieldbrook Foods Corporation (“FFC”), for use at its One Ice Cream Drive, Dunkirk, New York facilities, to Wells Enterprises, Inc. (“WEI”), to address organizational changes.
3. Transfer of a 76 kW RNY Power allocation awarded to JK Jewelry, Inc. (“JKJ”), for use at its 1500 Brighton Henrietta Town Line Road, Rochester, New York facilities, to JK Acquisition, LLC (“JKA”), to address organizational changes.
4. Transfer of a 90 kW portion of a 176 kW RNY Power allocation awarded to Newchem, LLC (“Newchem”) for use at its facility located at 434 E. Union Street, Newark, New York to a facility located at 401 W. Shore Blvd., Newark, New York.

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

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

DISCUSSION

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

1) CleanFiber, LLC

CleanFiber has a pending 700 kW RNY Power allocation for use at its facility at 250 Lake Road, Blasdell, NY, where it manufactures high quality cellulose insulation that is both low dust and fire retardant. The Board approved this allocation with CleanFiber’s original name, UltraCell Insulation, LLC. The name of the company was changed for name recognition purposes, with no other changes to the corporate entity. Operations at this facility were then shifted to CleanFiber’s wholly-owned subsidiary, CleanFiber Buffalo. CleanFiber Buffalo operates the same type of business as CleanFiber.

Both CleanFiber and CleanFiber Buffalo request the transfer of CleanFiber’s pending 700 kW RNY Power allocation to CleanFiber Buffalo. CleanFiber Buffalo would take the transfer of the pending RNY Power allocation subject to the terms and conditions that are applicable to the original award to CleanFiber.

2) Fieldbrook Foods Corporation

Fieldbrook Foods Corporation (“FFC”) was awarded a 780 kW RNY Power allocation for use at its facilities at One Ice Cream Drive, Dunkirk. This facility manufactures private label ice cream and is one of the largest producers of ice cream in the northeast.

On December 30, 2020 FFC, the wholly-owned subsidiary of WEI, merged with and into Wells Enterprises, Inc. (“WEI”), with WEI the surviving entity. Considering the merger, the companies have asked that the 780 kW RNY Power allocation be transferred to WEI. The merger has not resulted in

changes to operations at the Dunkirk facility, and WEI has indicated that it will honor all terms and conditions made by FFC under its RNY Power sale agreement with the Authority if the transfer is approved.

3) JK Jewelry, Inc.

JK Jewelry (“JKJ”), which does business as JK Findings, was awarded a 76 kW RNY Power allocation for use at its facilities at 1500 Brighton Henrietta Town Line Road, Rochester, New York where it designs and manufactures high quality jewelry findings. Jewelry findings are the components of jewelry, such as clasps, beads, etc. JKJ operates a world-wide business with its headquarters in Rochester.

In February 2020, JKA purchased JKJ’s operating business and related assets. JKA has continued operations at the same facility with the same employees and equipment as JKJ.

Both companies have asked that the 76 kW RNY Power allocation be transferred to JKA. JKA has indicated it will honor all terms and commitments made by JKJ under its RNY Power sale agreement with the Authority.

4) Newchem, LLC

Newchem, which does business as, Newcut, Inc., was awarded a 176 kW RNY Power allocation, for use at its facilities at 434 E. Union Street, Newark. Newchem manufactures metal alloy screens and filters, RFI/EMI shields, etched signage, and other products through photo chemical etching processes.

Newchem relocated this business to another facility at 401 W. Shore Blvd., Newark. The Authority awarded the company a 130 kW RNY Expansion allocation for this facility, which it currently receives. The E. Union Street facility has been demolished by Newchem.

Newchem requested that its 176 kW RNY Power allocation from the E. Union Street facility be transferred to the 401 W. Shore Blvd. facility. However, based on the load at the new facility the Authority determined that only 90 kW of the 176 kW qualified for transfer. The remainder of the allocation has been taken back. The company has indicated it will honor all commitments including employment, power utilization, and capital investment commitments associated with the original 176 kW RNY Power allocation.

RECOMMENDATION

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

Chair Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions to present the Transfer of Recharge New York Power Allocation to the Board.

Mr. Hayes said that staff is requesting that EDPAB recommend that the Authority’s Trustees approve Transfer of Recharge New York Power allocations for 4 customers experiencing business changes necessitating such transfer for the reasons stated above.

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Transfer of Recharge New York Power 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 pending 700 kilowatt (“kW”) Recharge New York Power (“RNY”) allocation awarded to CleanFiber, LLC, for use at its facilities at 250 Lake Road, Blasdell, New York, to CleanFiber Buffalo, LLC, for use at the same facilities, as described in the foregoing report (“Report”) 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; and be it further

RESOLVED, That the transfer of a 780 kW RNY Power allocation awarded to Fieldbrook Foods Corporation, for use at its facilities located at One Ice Cream Drive, Dunkirk, New York to Wells Enterprises, Inc., 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 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; and be it further

RESOLVED, That the transfer of the 76 kW RNY Power allocation awarded to JK Jewelry, Inc. for use at its facility at 1500 Brighton Henrietta Town Line Road, Rochester, New York, to JK Acquisition, LLC for use at the same facility, as described in the foregoing Report be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by 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;
and be it further

RESOLVED, That the transfer of a 90 kW portion of the 176 kW RNY Power allocation initially awarded to Newchem, LLC for use at its facility at 434 E. Union Street, Newark, New York, for use at a facility located at 401 W. Shore Blvd., Newark, New York, as described in the foregoing Report be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by 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

4. **Next Meeting**

Chair Nicandri said that the next meeting of the Board would be held on Monday, July 26, 2021.

Closing

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



NY State Economic Development Power Allocation Board

ANDREW M. CUOMO
Governor

Date: July 26, 2021

To: Economic Development Power Allocation Board

From: Senior Vice President, Clean Energy Solutions

Subject: 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 15 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 award new allocations of RNY Power available for “retention” purposes to the businesses listed in Exhibit “B” in the amounts indicated therein;
- (c) recommend that the Trustees award new allocations of RNY Power available for “expansion” 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 eligible small businesses and/or not-for-profit corporations to the entities listed in Exhibit "D" in the amounts indicated therein;
- (e) recommend that the Trustees approve modifications related to the previously approved RNY Power allocations and/or supplemental commitments for 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:

- (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 undertake at its own expense an energy audit of its facilities at which the allocation is consumed modified by the Authority on a showing of good cause by the recipient, and that the recipient provide the Authority with a copy of any such audit or a report describing the results of such audit;
- (3) a requirement for an agreement by the recipient of an allocation to make its facilities available at reasonable times and intervals for energy audits and related assessments that the Authority desires to perform; and
- (4) a recommendation shall require that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly.

The sale of any Allocation as proposed herein will be governed by the form of the RNY Power contract that was approved by the Trustees on March 26, 2019, and existing Authority Service Tariff RNY-1.

BACKGROUND

On April 14, 2011, Governor Andrew M. Cuomo signed into law the RNY Power Program 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 ("PAL") § 1005(13-a) (the "RNY Statutes"). 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.

As part of Governor 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.

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.

"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 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 "B", "C", and "D" (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. While not applicable to the

recommendations presented herein, 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 eleven prior occasions spanning from October 2018 through March 2021. 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-one prior occasions spanning from April 2012 through March 2021. Of the 200 MW block of RNY Power made available pursuant to Chapter 60 for business “expansion” purposes, 15.7 MW remain unallocated. Of the 100 MW block of RNY Power that is set aside for not-for-profit corporations and small businesses pursuant to Chapter 60, 2.7 MW remain unallocated. Of the remaining RNY Power made available pursuant to Chapter 60, 5.2 MW remain unallocated. These figures reflect Trustee actions on RNY Power applications taken prior to any actions that EDPAB recommends today.

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 15 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 on 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 2,050 jobs and nearly \$28.2 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 on Exhibit “A” is warranted and is consistent with the statutory criteria that are used to evaluate applications for an award of

RNY Power which are summarized in Exhibit “H”. As described above, each Allocation would be extended for a term not to exceed 7 years.

2. Retention-Based RNY Power Allocations

Staff recommends that EDPAB recommend to the NYPA Trustees that the applicants listed in Exhibit “B” 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 “B”, 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.

3. Expansion-Based RNY Power Allocations

Staff recommends that EDPAB recommend to the NYPA Trustees that the applicants listed in Exhibit “C” 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 “C”, 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.

4. 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 “D” 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 “D”. The contracts for these allocations would also contain the provisions summarized above.

If the EDPAB makes the requested recommendations and the Trustees accept them, the 100 MW block of power authorized by statute for small business and/or not-for-profit entities will be nearly fully allocated. Accordingly, Staff is prepared to establish a waiting list for small businesses and not-for-profit entities that are potentially eligible for this block of power.

5. Modifications to Existing Allocations and/or Related Supplemental Commitments

Staff also recommends that EDPAB recommend to the NYPA Trustees that the modifications relating to the previously approved RNY Power allocations listed in Exhibit “E” be approved for Norwich Pharmaceuticals, Inc., NYU Langone Hospitals, and RSM Electron Power, Inc.

Due to a processing error associated with its expansion-based allocation, Norwich Pharmaceuticals, Inc. was previously approved for an extension of its retention-based RNY Power allocation in the amount of 450 kW. The corrected retention-based extension amount is

500 kW. Staff reviewed this request and is recommending that EDPAB recommend to the NYPA Trustees that this retention-based extended RNY Power allocation be modified to 500 kW.

NYU Langone Hospitals was previously approved for a retention-based RNY Power allocation in the amount of 1,940 kW that would be available for use at multiple facilities/address in Brooklyn. After the approval, the customer discovered it did not include in its application additional facilities located in Manhattan. Staff reviewed this request and is recommending that EDPAB recommend to the NYPA Trustees that the company's 1,940 kW retention-based RNY Power allocation be modified to include additional multiple facilities/addresses in Manhattan. The customer's original commitments of 4,000 retained jobs and \$250 million in capital spending would not change.

RSM Electron Power, Inc. was previously approved for a retention-based RNY Power allocation in the amount of 156 kW at its Hauppauge facility. The associated commitments are 76 retained jobs and \$750,000 in capital spending. Since the approval in March 2015, the customer has experienced load growth and has added jobs beyond its original commitment. For this reason, the customer has applied for additional retention-based RNY Power. Staff reviewed this request and is recommending that EDPAB recommend to the NYPA Trustees that the company's retention-based RNY Power allocation be modified from 156 kW to 206 kW, and that the company's job retention commitment be modified from 76 jobs to 120 jobs.

Staff has no objection to the requested modifications, and therefore recommends that EDPAB recommend that the NYPA Trustees approve the modifications listed in Exhibit "E".

6. Applicants Not Eligible

Staff recommends that the Board determine that the applicants listed in Exhibit "F" are 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.

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing 15 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 award the new allocations of RNY Power for retention purposes to the businesses listed in Exhibit "B" as indicated therein.
 - (4) Recommend that the NYPA Trustees award the new allocations of RNY Power for expansion 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 the small business and/or not-for-profit applicants identified in Exhibit "D" for retention and expansion purposes as indicated therein.
 - (6) Recommend that the NYPA Trustees approve the modifications related to the allocations and/or supplemental commitments described in Exhibit "E" for the reasons discussed above and in Exhibit "E".
 - (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".

Keith T. Hayes
Senior Vice President, Clean Energy Solutions

Att.
RNY Extension Allocations
RNY Retention Power Allocations
RNY Expansion Power Allocations
RNY Eligible Small Business and Not-for-Profit Allocations
RNY Modifications to Existing Allocations and/or Commitments
Applicants Not Eligible
Termination of Application Review Process
Statutory Criteria

RESOLUTION

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 15 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” in the manner described in the accompanying memorandum of the Senior Vice President, Clean Energy Solutions (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 new RNY Power allocations for retention purposes to the applicants listed in Exhibit "B" 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 to the applicants listed in Exhibit "C" 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 to the small businesses and/or not-for-profit applicants listed in Exhibit "D" in the amounts indicated therein; and be it further

RESOLVED, That the Board recommends that the Trustees approve the modifications/adjustments to the allocations and/or supplemental commitments described in Exhibit "E" for the reasons indicated in the Memorandum and Exhibit "E"; and be it further

RESOLVED, That the applicants listed in Exhibit "F" are not eligible to receive an RNY Power allocation for the reasons discussed in the Attached Memorandum and Exhibit "F"; and be it further

RESOLVED, That the application review process for the applicants listed in Exhibit "G" are terminated for the reasons discussed in the Attached Memorandum and Exhibit "G".

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

Exhibit "A"
 July 26, 2021

Retention-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Job Commitments	Capital Investment Commitment (\$)		Contract Term (Years)
1	Filtration L.A.B. USA Inc.	Oswego	Oswego	Central New York	NGRID	Manufacturer of air filtration products	40	40	27	\$100,000		7
2	K&N's Foods USA, LLC	Fulton	Oswego	Central New York	NGRID	Manufacturer of frozen chicken products	626	626	56	\$250,000		7
	Central New York Region Sub-totals:						666	666	83	\$350,000		
3	JK Acquisitions LLC	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of precious metal components	76	76	65	\$150,000		7
4	PPI Corp.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of machined components	76	76	48	\$500,000		7
	Finger Lakes Region Sub-totals:						152	152	113	\$650,000		
5	CPI Aerostructures, Inc.	Edgewood	Suffolk	Long Island	LIPA	Manufacturer of aircraft components	130	130	228	\$100,000		7
6	RSM Electron Power, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of semiconductor products	156	206	120	\$250,000	(1)	7
7	Sysco Long Island, LLC	Central Islip	Suffolk	Long Island	LIPA	Food service distributor	520	520	228	\$1,300,000		7
8	Webair Internet Development Company LLC	Garden City	Nassau	Long Island	LIPA	Cloud computing & data center	266	266	40	\$5,000,000		7
	Long Island Region Sub-totals:						1,072	1,122	616	\$6,650,000		
9	Jos. H. Lowenstein & Sons, Inc.	Brooklyn	Kings	New York City	CONED	Manufacturer of dye products	150	150	72	\$75,000	(2)	7
10	Queens Economic Development Corporation	Long Island City	Queens	New York City	CONED	Commercial kitchen for food manufacturers	30	30	12	\$25,000		7
	New York City Region Sub-totals:						180	180	84	\$100,000		
11	Kerry Biofunctional Ingredients Inc.	Norwich	Chenango	Southern Tier	NYSEG	Manufacturer of pharmaceutical & food ingredients	530	530	92	\$3,000,000		7
12	Norwich Pharmaceuticals, Inc.	Norwich	Chenango	Southern Tier	NYSEG	Manufacturer of pharmaceutical products	450	450	270	\$10,000,000	(2)	7
	Southern Tier Region Sub-totals:						980	980	362	\$13,000,000		

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

Exhibit "A"
July 26, 2021

Retention-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Job Commitments	Capital Investment Commitment (\$)	Contract Term (Years)
13	Ford Motor Company	Buffalo	Erie	Western New York	NGRID	Automotive metal stamping plant	436	436	576	\$5,000,000	7
14	PCB Piezotronics, Inc.	Depew	Erie	Western New York	NYSEG	Manufacturer of integrated sensors	46	46	160	\$400,000	7
15	Snyder Industries, Inc.	Tonawanda	Erie	Western New York	NGRID	Manufacturer of machined components	190	190	60	\$2,000,000	7
Western New York Region Sub-totals:							672	672	796	\$7,400,000	

Totals

3,722	3,772	2,054	\$28,150,000
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- (1) The company is being recommended for an increased extension-related kW amount to accommodate load growth and additional job commitments.
- (2) The company's extension-related job commitment is below the evaluation threshold as compared to their original employment commitment. However, at this time, a reduction to the extension kW amount is not being recommended.

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

Exhibit "B"
July 26, 2021

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)		Contract Term (Years)
1	Intergrow Holding Company, Inc.	Ontario	Wayne	Finger Lakes	RGE	Hydroponic greenhouse for tomatoes	10,000	3,510	60	0	\$1,000,000	(1)	7
	Finger Lakes Region Sub-totals:												
								3,510	60	0	\$1,000,000		
2	Triple Cities Metal Finishing Corp.	Binghamton	Broome	Southern Tier	NYSEG	Metal finishing & surface treatment services	787	390	96	0	\$1,000,000		7
	Southern Tier Region Sub-totals:												
								390	96	0	\$1,000,000		
3	Staub Precision Machine, Inc.	Hamburg	Erie	Western New York	NYSEG	Manufacturer of precision machined components	506	250	28	0	\$5,000,000		
	Western New York Region Sub-totals:												
								250	28	0	\$5,000,000		

Totals

4,150	184	0	\$7,000,000
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(1) This company is also recommended for an expansion-related allocation of RNY for separate and distinct job creation and capital investment commitments associated with the proposed business expansion.

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

Exhibit "C"
 July 26, 2021

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	Intergrow Holding Company, Inc.	Ontario	Wayne	Finger Lakes	RGE	Hydroponic greenhouse for tomatoes	5,000	2,316	60	25	\$7,500,000	(3)	7
	Finger Lakes Region Sub-totals:												
								2,316	0	25	\$7,500,000		
2	Nassau Candy Distributors, Inc.	Hicksville	Nassau	Long Island	LIPA	Manufacturer of confectionery products	225	156	621	5	\$3,000,000	(4)	7
3	RSM Electron Power, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of semiconductor products	420	290	120	15	\$750,000	(4)	
4	Seviroli Foods, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of pasta specialties	1,478	1,030	0	15	\$1,000,000		
	Long Island Region Sub-totals:												
								1,476	272	35	\$4,750,000		
5	Cree, Inc.	Marcy	Oneida	Mohawk Valley	NGRID	Manufacturer of LED lighting & semiconductor products	14,000	11,900	0	320	\$500,000,000		7
	Mohawk Valley Region Sub-totals:												
								11,900	0	320	\$500,000,000		

Totals

15,692	272	380	\$512,250,000
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- (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 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.
- (4) This applicant was previously approved for an RNY Power allocation. The base employment level refers to the applicant's current retained jobs, some of which are already associated with an existing power allocation.

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

Exhibit "D"
 July 26, 2021

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	Spectrum Designs Foundation, Ltd.	Port Washington	Nassau	Long Island	LIPA	Customized apparel & promotional items	47	16	28	3	\$65,000	7
Long Island Region Sub-totals:								16	28	3	\$65,000	
2	Bon Secours Community Hospital	Port Jervis	Orange	Mid-Hudson	ONR	Hospital & healthcare services	664	220	327	0	\$1,500,000	7
3	Good Samaritan Hospital of Suffern, N.Y.	Suffern	Rockland	Mid-Hudson	ONR	Hospital & healthcare services	2,171	720	1,199	0	\$1,500,000	7
4	St. Anthony Community Hospital, Warwick, New York	Warwick	Orange	Mid-Hudson	ONR	Hospital & healthcare services	586	196	169	0	\$1,500,000	7
5	St. Francis Center at the Knolls, Inc.	Warwick	Orange	Mid-Hudson	ONR	Adult residential & assisted-living services	130	40	33	0	\$250,000	7
6	Villa Frances at the Knolls, Inc.	Warwick	Orange	Mid-Hudson	ONR	Long-term nursing care facility	130	40	73	0	\$250,000	7
Mid-Hudson Region Sub-totals:								1,216	1,801	0	\$5,000,000	
7	SoPark Corp.	Lackawanna	Erie	Western New York	NGRID	Manufacturer of electronic components	222	110	70	0	\$155,000	7
Western New York Region Sub-totals:								110	70	0	\$155,000	

Retention-Based Totals

1,342	1,899	3	\$5,220,000
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Expansion-Based Allocations

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)
8	F.E. Hale Mfg. Co.	Utica	Oneida	Mohawk Valley	NGRID	Manufacturer of furniture products	240	120	26	4	\$1,350,000 (3)	7

Expansion-Based Totals

120	26	4	\$1,350,000
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Retention & Expansion-Based Totals

1,462	1,925	7	\$6,570,000
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- (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's expansion-based allocation recommendation will contain a base employment level to accommodate existing employees relocating to the expansion project site.

Retention-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	Norwich Pharmaceuticals, Inc.	Norwich	Chenango	Southern Tier	NYSEG	Manufacturer of pharmaceutical products	500 ⁽¹⁾	300	\$25,000,000	7
2	NYU Langone Hospitals	Brooklyn & New York ⁽²⁾	Kings & New York ⁽²⁾	New York City	CONED	Hospitals & healthcare centers	1,940	4,000	\$250,000,000	7
3	RSM Electron Power, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of semiconductor products	206 ⁽³⁾	120 ⁽³⁾	\$750,000	7

- (1) Represents modified/corrected recommended kW amount. Due to a processing error, the customer was previously extended for a retention-based RNY Power allocation in the amount of 450 kW. The revised recommended kW amount of 500 kW will be implemented in the customer's power contract.
- (2) Represents modified city and county. The customer was previously approved for an RNY Power allocation applying to multiple facilities/addresses in Brooklyn. The revised recommendation includes additional multiple facilities/addresses in Manhattan. The revised configuration will be implemented accordingly in the customer's power contract.
- (3) Represents modified recommended kW and job commitment amounts. The customer was previously approved for a retention-based RNY Power allocation in the amount of 156 kW with an employment commitment of 76 jobs. Due to load growth and additional jobs committed, the customer is being recommended for modifications to 206 kW and 120 jobs committed. The revisions will be implemented accordingly in the customer's power contract.

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	LXV LLC	Rosedale	Queens	New York City	CONED	Restaurant & sandwich bar	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	The Sprinkle Family Restaurant and Grocery Store LTD	Brooklyn	Kings	New York City	CONED	Family-owned grocery store	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"
 July 26, 2021**

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	First Choice Property Contracting & Landscaping of WNY LLC	Buffalo	Erie	Western New York	NGRID	Landscaping & property cleaning services	Applicant submitted an incomplete application.
2	Kownack Construction & Consulting	Schenectady	Schenectady	Capital District	NGRID	Construction-related technology services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
3	Kownack Construction & Consulting	Schenectady	Schenectady	Capital District	NGRID	Construction-related technology services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
4	Self Linguistics Inc.	Brooklyn	Kings	New York City	CONED	Mental health services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
5	Sultan Dawood Al-Karbi Mineral Water Factory	N/A	N/A	N/A	N/A	Mineral water factory	Applicant submitted an incomplete application.
6	Whosthatk9	Long Island City	Queens	New York City	CONED	Dog grooming services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.

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.



NY State Economic Development Power Allocation Board

ANDREW M. CUOMO
Governor

July 26, 2021

Next Meeting

The next meeting of the Economic Development Power Allocation Board (EDPAB) will be held on Monday, September 27, 2021 at 9:00 a.m.