



## **Economic Development Power Allocation Board**

**KATHY HOCHUL**  
Governor

**JUDGE CECILY MORRIS**  
Chair

### ***ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD***

### ***PROPOSED AGENDA***

**Tuesday, May 20, 2025  
Videoconference – 8:00am**

- 1. Adoption of the May 20, 2025 Proposed Meeting Agenda**
- 2. Adoption of the Minutes of the Meeting of March 25, 2025**
- 3. Industrial Incentive Awards and Economic Development Plan for Buffalo Niagara Partnership and Crescent Duck Farm, Inc. (Maribel Cruz-Brown)**

#### **OTHER BUSINESS**

- 4. Next Meeting**



KATHY HOCHUL  
Governor

## Economic Development Power Allocation Board

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Chair

### ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

#### MINUTES

March 25, 2025

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A regular meeting of the Economic Development Power Allocation Board (“EDPAB”) was held via video conference, at approximately 8:00 a.m.

The following Members of the Board were present:

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

**Also in attendance were:**

Lori Alesio	Executive Vice President and General Counsel, NYPA
Maribel Cruz-Brown	Senior Vice President – Customer Solutions, NYPA
Karen Delince	Vice President and Corporate Secretary, NYPA
Eric Bowers	Vice President, Economic Development and Key Account Management, NYPA
Elki Posillipo	Manager, Business Power Allocations and Compliance
Mark Schwartzburt	Expert Customer Contracts Analyst, NYPA
Yale Brown	Expert BPAC Analyst, NYPA
Sheila Quatrocci	Senior Associate Corporate Secretary, NYPA
Michele Stockwell	Senior Assistant – Corporate Secretary, NYPA
Fiona Khan	Senior Assistant – Corporate Secretary, NYPA

## **Introduction**

Chair Cecily Morris welcomed members of the Board Dennis Trainor and Andrew Silver and Authority senior staff to the meeting. She said that the meeting had been duly noticed as required by the Open Meetings Law and called the meeting to order pursuant to the EDPAB Bylaws, Article III, Section 2.

### **1. Adoption of the March 25, 2025 Proposed Meeting Agenda**

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the March 25, 2025 meeting was adopted.

***Chair Cecily Morris and Members Dennis Trainor and Andrew Silver declared no conflicts of interest based on the list of entities being considered for power allocations.***

### **2. Approval of the Minutes**

On motion made by Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on January 28, 2025 were unanimously approved.

***Chair Cecily Morris invited Mr. Eric Bowers, Vice President Economic Development to make an introduction.***

*Mr. Eric Bowers said that the staff is requesting that the members approve the recommendations for Recharge New York Power-New, Extended and Modified Allocations which will be presented by Yale Brown, Expert BPAC Analyst and Recommendations for the Transfer of RNY Power Allocations which will be presented by Mark Schwartzburt, Expert Customer Contracts Analyst.*

### **3. Recharge New York Power-New, Extended and Modified Allocations**

#### **SUMMARY**

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

- (a) recommend that the New York Power Authority ("Authority" or "NYPA") Board of Trustees ("Trustees") extend each of the 17 allocations of Recharge New York ("RNY") Power ("Allocation" or collectively "Allocations") awarded to the businesses listed in Exhibit "A" for a term of seven years. The term would commence on the expiration of each such existing Allocation, or in the Authority's discretion, on a date to be agreed upon by the parties, for a term not to exceed seven years (collectively, the "Extended Term"), subject to the following conditions:
  - i. A customer whose Allocation would be extended would have to agree to provide supplemental commitments for, among other things, jobs and capital investments, as it has in its current RNY Power agreement(s) with the Authority (collectively, "Current RNY Power Agreement") for the length of any Extended Term, through the incorporation of such supplemental commitments in the proposed final contract that is executed by the parties. With respect to capital investments, the vast majority of RNY Power customers (i.e., those who do not have project/expansion capital investment commitments) would be expected to meet a minimum capital investment commitment.

- ii. Unless otherwise noted, each customer identified in Exhibit “A” is in compliance with its contractual obligations to the Authority under its Current RNY Power Agreement;
- (b) recommend that the Trustees approve 15 modifications related to the previously approved RNY Power allocations, extensions, and/or related supplemental commitments for the customers listed in Exhibit “B”;
- (c) recommend that the Trustees award three new allocations of RNY Power available for “retention” purposes to the businesses listed in Exhibit “C” in the amounts indicated therein;
- (d) recommend that the Trustees award three new allocations of RNY Power available for “expansion” purposes to the businesses listed in Exhibit “D” in the amounts indicated therein;
- (e) recommend that the Trustees award five new allocations of RNY Power available for eligible small businesses and/or not-for-profit corporations to the entities listed in Exhibit “E” in the amounts indicated therein;
- (f) determine that the three applicants listed in Exhibit “F” are not eligible to receive an RNY Power allocation; and
- (g) authorize termination of the application review process for the three applicants listed in Exhibit “G”.

The Board is further requested to recommend that, in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of any Allocations recommended herein, such terms and conditions include:

- (a) provisions for effective periodic audits of the recipient of an allocation for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an allocation if the recipient fails to maintain commitments, relating to such things as employment levels, power utilization, capital investments, and/or energy efficiency measures;
- (b) requirements for an agreement by the recipient of an allocation to undertake at its own expense an energy audit of its facilities at which the allocation is consumed, which may be modified by the Authority on a showing of good cause by the recipient, and that the recipient provide the Authority with a copy of any such audit or a report describing the results of such audit;
- (c) a requirement for an agreement by the recipient of an allocation to make its facilities available at reasonable times and intervals for energy audits and related assessments that the Authority desires to perform; and
- (d) a requirement that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly.

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

## BACKGROUND

On April 14, 2011, the RNY Power Program was signed into law as part of Chapter 60 (Part CC) of the Laws of 2011. The RNY Power Program is codified primarily in Economic Development Law (“EDL”) § 188-a and Public Authorities Law § 1005(13-a) (the “RNY Statutes”). The program makes available 910 megawatts (“MW”) of “RNY Power,” 50% of which will be provided by certain Authority hydropower resources and 50% of which will be procured by the Authority from other sources. RNY Power contracts can be for a term of up to seven years in exchange for job and capital investment commitments. RNY Power is available to businesses and not-for-profit corporations for job retention and business expansion and attraction.

As part of New York State’s initiative to foster business activity and streamline economic development, applications for all statewide economic development programs, including the RNY Power

Program, have been incorporated into a single on-line Consolidated Funding Application (“CFA”) marking a fundamental shift in how State economic development resources are marketed and allocated. Beginning in September 2011, the CFA was available to applicants. The CFA continues to serve as an efficient and effective tool to streamline and expedite the State’s efforts to generate sustainable economic growth and employment opportunities. All applications that are considered for an RNY Power allocation are submitted through the CFA process.

RNY Power is available to businesses and not-for-profit corporations for job retention and business expansion and attraction purposes. Specifically, Chapter 60 provides that at least 350 MW of RNY Power shall be dedicated to facilities in the service territories served by the New York State Electric and Gas, National Grid, and Rochester Gas and Electric utility companies; and at least 200 MW of RNY Power shall be dedicated to the purpose of attracting new businesses and encouraging expansion of existing businesses statewide. In July 2021, legislation was enacted increasing the dedicated amount of RNY Power from 100 MW to no more than 150 MW for eligible not-for-profit corporations and eligible small businesses statewide.

“Eligible applicant” is defined by statute to mean an eligible business, eligible small business, or eligible not-for-profit corporation, however, an eligible applicant shall not include retail businesses as defined by EDPAB, including, without limitation, sports venues, gaming or entertainment-related establishments or places of overnight accommodations.

RNY Power allocation awards are comprised of 50% hydropower and 50% Authority-procured market power. Prior to entering into a contract with an eligible applicant for the sale of RNY power, and prior to the provision of electric service relating to the RNY power allocation, the Authority shall offer each eligible applicant the option to decline to purchase the RNY market power component of such allocation. If an eligible applicant declines to purchase the RNY market power component, the Authority has no responsibility for supplying such market power to the eligible applicant.

Under applicable law, applications for RNY Power are first considered by EDPAB. EDPAB is authorized to recommend applicants to the Authority’s Trustees that it believes should receive an award of RNY Power based on applicable statutory criteria and other pertinent considerations. The criteria provided for in the RNY Statutes are summarized in Exhibit “H” to this memorandum. An allocation recommended by EDPAB qualifies the subject applicant to enter into a contract with the Authority for the purchase of the RNY Power if the Authority makes an allocation award.

In arriving at recommendations for EDPAB’s consideration, Staff, among other things, attempted to maximize the economic benefits of low-cost NYPA hydropower, the critical state asset at the core of the RNY Power Program, while attempting to ensure that each recipient receives a meaningful RNY Power allocation.

Unless otherwise noted in Exhibits “C”, “D”, and “E” (recommendations for new RNY Power allocations), new business applicants with relatively high scores were recommended for allocations of retention RNY Power of 50% of the requested amount or average historic demand, whichever was lower. These allocations were capped at 10 MW for any recommended allocation. Not-for-profit corporation applicants that score relatively high are typically recommended for allocations of 33% of the requested amount or average historic demand, whichever is lower. These allocations are capped at five MW. Applicants currently receiving hydropower allocations under other Authority power programs are typically recommended for allocations of RNY Power of 25% of the requested amount, subject to the caps as stated above.

RNY Power allocation extensions have been awarded by the Trustees on twenty-two prior occasions spanning from October 2018 through December 2024. These recommendations pertain to existing RNY Power customers receiving an Extended Term of seven years.

RNY Power allocations pertaining to new applicants have been awarded by the Trustees on forty-two prior occasions spanning from April 2012 through December 2024. Currently, approximately 40 MW of RNY Power remains unallocated. This figure reflects actions taken by the Trustees on RNY Power applications prior to any actions that EDPAB recommends today. If today’s recommendations by EDPAB are approved by the Trustees, it is anticipated that approximately 34 MW of RNY Power would remain unallocated.

Applications for new RNY Power allocations have been considered, where applicable, under NYPA's Green Jobs Evaluation Incentive Plan and the Diversity, Equity, and Inclusion ("DEI") Evaluation and Incentive Plan. These plans were approved by the Trustees on December 9, 2020 and December 7, 2021, respectively.

The sale of RNY Power allocations that are recommended by EDPAB today for approval by the NYPA Trustees would be governed by the form of RNY Power contract that was approved by the Trustees on March 26, 2019, and existing Authority Service Tariff RNY-1. The terms and conditions in the RNY Power contract form are consistent with the terms and conditions pertaining to the sale of Allocations as described above.

## DISCUSSION

### 1. Extension of Existing Allocations

For the current round of recommendations, Authority staff has reviewed applications from 17 RNY Power customers who are requesting that their existing RNY Power allocations be extended. Exhibit "A" lists, among other things, the name of each such customer, the amount of its current Allocation, and each customer's supplemental commitments for jobs and capital investments associated with its extension recommendation. A copy of each application has also been made available to the Board. Staff's review has included on a customer-specific basis consideration of such issues as the amount of each Allocation that would be extended, the supplemental commitments that these customers have made under their Existing Contract and are prepared to make as consideration for an extension, and the customer's compliance status under its Existing Contract, including its compliance with supplemental commitments for jobs and capital investments.

Staff recommends that EDPAB recommend to the Trustees that the Allocations be extended for each company as indicated in Exhibit "A".

Staff has concluded that the businesses listed in Exhibit "A", which are located in the State where indicated, continue to bring valuable benefits to the State. In total, the Allocations listed in Exhibit "A" are supporting the retention of nearly 10,400 jobs and more than \$555 million in capital investments throughout New York State. The Authority will require customers to commit to the same or substantially similar supplemental commitments for jobs and capital investments that are contained in Exhibit "A" for the Extended Term.

Staff believes that an extension of each Allocation listed in Exhibit "A" is warranted and is consistent with the statutory criteria that are used to evaluate applications for an award of RNY Power which are summarized in Exhibit "H". As described above, each Allocation would be extended for a term not to exceed seven years.

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

Staff requests that EDPAB recommend to the Trustees that the 15 modifications relating to the previously approved RNY Power allocations, extensions, and/or related supplemental commitments listed in Exhibit "B" be approved for the reasons presented below. If approved, these modifications would be implemented through the customers' respective power contracts.

- i. Three modifications are related to extension applicants being recommended for additional RNY Power as indicated in Exhibit "B", Section 1. Staff has reviewed each of these applications, and a copy of each application has been made available to EDPAB. In each case, the applicants have experienced load growth and are able to commit to additional jobs. In the case of NYU Langone Hospitals ("NYULH"), it was determined that a combined campus approach would be appropriate for the customer moving forward. This configuration would provide the customer with more flexibility with respect to combined job and capital spending commitments across its various sites. In addition, the proposed modification for NYULH would incorporate additional sites into the extension contract, to

support the organization's acquisition of additional hospitals, such that the customer may elect to receive RNY Power at facilities that are not currently enrolled in the program.

- ii. Five modifications are related to combining previously-approved extension allocations with current extension recommendations, or combining current extension recommendations together, as listed in Exhibit "B", Section 2. Staff has reviewed each of these applications, and a copy of each application has been made available to EDPAB. It was determined that a combined allocation approach would be appropriate for each of these customers moving forward. The proposed modifications would result in a more streamlined process administratively, thereby reducing the need for multiple customer allocations with separate contract terms.
- iii. One modification is related to a job commitment adjustment for a previously-approved extension allocation to 365 Data Centers NY One LLC ("365 Data") as indicated in Exhibit "B", Section 3. In recent discussions with the customer, it was determined that 365 Data inadvertently provided an extension-related job commitment of 4 jobs while the correct amount should have been 3 jobs. For this reason, the proposed modification would adjust the company's job retention commitment to 3 jobs. The modification would not result in any changes to 365 Data's current allocation amount or extension-related capital investment commitment.
- iv. Six modifications are related to combining previously-approved extension allocations as indicated in Exhibit "B", Section 4. These customers were approved for multiple extension allocations at different points in time to accommodate each individual award. As a result, these companies currently receive separate extension-related awards. It was determined that a combined allocation approach would be appropriate for each of these customers moving forward. The proposed modifications would result in a more streamlined process administratively, thereby reducing the need for multiple customer allocations with separate contract terms. In each case, the proposed modifications would not result in any changes to the company's total RNY awarded amount or corresponding supplemental commitments.

In summary, staff supports the requested modifications, and therefore requests that EDPAB recommend that the NYPA Board of Trustees approve the modifications listed in Exhibit "B".

### 3. Retention-Based RNY Power Allocations

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

### 4. Expansion-Based RNY Power Allocations

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



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

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

#### 6. Applicants Not Eligible

Staff recommends that the Board determine that the three applicants listed in Exhibit "F" are ineligible to receive an RNY Power allocation for the reasons listed in Exhibit "F".

#### 7. Termination of Application Review Process

Staff recommends that the Board authorize termination of the application review process for the three 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.

### FISCAL INFORMATION

The actions recommended herein will not have a negative impact on the Authority's finances.

### RECOMMENDATION

For the reasons stated above, staff recommends EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing 17 Allocations of RNY Power listed in Exhibit "A" be extended for a term of seven years as described above, to commence on the expiration of such Allocation, or at the Authority's discretion on a date to be agreed upon by the parties for a term not to exceed seven years;
- (2) Recommend to the NYPA Trustees that, in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of the Allocations recommended herein, such terms and conditions include:
  - (a) provisions for effective periodic audits of the customer whose Allocation is extended for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an Extended Allocation if the business fails to maintain mutually agreed upon commitments, including those relating to employment levels, capital investments, power usage and energy efficiency measures;
  - (b) a requirement that the customer whose Allocation is extended undertake at its own expense energy audit of its facilities at which the Extended Allocation is consumed at least once during the term of the allocation absence good cause, and provide the Authority with a copy of any such audit or, at the Authority's option, a report describing the results of such audit, and provide documentation requested by the authority relating to the implementation of any efficiency measures at the facilities;
  - (c) an agreement by the customer whose Allocation is extended to make its facilities available for energy audits and related assessments that the authority desires to perform, if any, and provide information requested by the Authority or its designee in surveys, questionnaires and other information requests relating to energy efficiency and energy-related projects, programs and services; and
  - (d) an agreement by the customer whose Allocation is extended that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly;

- (3) Recommend that the NYPA Trustees approve the 15 modifications related to the RNY Power allocations, extensions, and/or related supplemental commitments described in Exhibit “B” in the amounts indicated therein for the reasons discussed above and in Exhibit “B”;
- (4) Recommend that the NYPA Trustees award the three new allocations of RNY Power for retention purposes to the businesses listed in Exhibit “C” in the amounts indicated therein;
- (5) Recommend that the NYPA Trustees award the three new allocations of RNY Power for expansion purposes to the businesses listed in Exhibit “D” in the amounts indicated therein;
- (6) Recommend that the NYPA Trustees award the five new allocations of RNY Power for the small business and/or not-for-profit applicants identified in Exhibit “E” for retention and expansion purposes in the amounts indicated therein;
- (7) Determine that the three applicants listed in Exhibit “F” are not eligible to receive an RNY Power allocation for the reasons listed in Exhibit “F”; and
- (8) Authorize termination of the application review process for the three applicants listed in Exhibit “G” for the reasons listed in Exhibit “G”.

*Mr. Yale Brown provided highlights of the staff’s recommendation to the members. He said that the members are requested to recommend that the New York Power Authority’s (“NYPA”) Board of Trustees approve 43 recommendations, consisting of the Contract extensions for 17 allocations of ReCharge NY Power to existing customers totaling 22.7 MW’s and supporting nearly 10,400 jobs; 15 modifications related to existing ReCharge NY allocations, extensions, and/or related supplemental commitments; and 11 new allocations of ReCharge NY large business retention, large business expansion, and small business and not-for-profit-based power totaling 5.2 MW’s and supporting nearly 1,700 jobs. All applications were submitted through the State’s Consolidated Funding Application system.*

*He said as in the past, the new applications were evaluated on a competitive basis in consideration of the 12 criteria in the Recharge NY legislation. Some of the key criteria include job commitments, capital investment, and an applicant’s risk of closure or leaving the state if they are not awarded a ReCharge NY Power allocation. Applications for new RNY Power allocations have been considered, where applicable, under NYPA’s Green Jobs Evaluation Incentive Plan, and the Diversity, Equity, and Inclusion (“DEI”) Evaluation and Incentive Plan.*

*He ended his report by stating that the recommendations for new RNY Power allocations include 1 applicant with qualifying green jobs and 3 applicants with facilities located in Disadvantaged Communities. If today’s recommendations are approved, it is anticipated that approximately 34 MW’s of RNY Power would remain available to allocate. The awarded applicants will be offered ReCharge NY contracts for a term of up to 7 years. The contract has provisions for the partial or complete withdrawal of an allocation if the recipient fails to maintain mutually agreed upon commitments, relating to among other things, employment, power utilization, and capital investment.*

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Transfer of Recharged New York Power- New, Extended and Modified Allocations, as recommended by staff, was approved by the Board.

***The following resolution was anonymously adopted by members of the Board present.***

RESOLVED, That the Economic Development Power Allocation Board ("Board") recommends that the New York Power Authority ("NYPA") Board of Trustees ("Trustees") extend each of the existing 17 allocations of Recharge New York ("RNY") Power ("Allocation" or collectively "Allocations") in the manner described in the accompanying memorandum of the Senior Vice President, Customer Solutions (the "Memorandum") for a term of seven years, to commence (1) on the expiration of each such Allocation, or (2) at the Authority's discretion on a date to be agreed upon by the Authority and the customer, for a term not to exceed seven years; and be it further

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

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

RESOLVED, That the Board recommends that the NYPA Trustees approve the 15 modifications/adjustments to the RNY Power allocations, extensions, and/or related supplemental commitments for the reasons indicated in the Memorandum; and be it further

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

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

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

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

RESOLVED, That the Board authorize termination of the application review process for the three identified applicants for the reasons discussed in the Memorandum.

Economic Development Power Allocation Board											Exhibit "A"	
Extension Recommendations - RNY Power Allocations for Retention Purposes (Large Businesses, Small Business, and/or NFP Corporations)											March 25, 2025	
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	Syracuse Label Co., Inc.	North Syracuse	Onondaga	Central New York	NGRID	Manufacturer of custom-made labels	266	266	88	\$750,000	(1) 7	
2	Westrock - Southern Container, LLC	Camillus	Onondaga	Central New York	NGRID	Manufacturer of corrugated sheets & boxes	630	630	130	\$10,000,000	7	
	Central New York Region Sub-totals:						896	896	218	\$10,750,000		
3	American Rock Salt Company LLC	Mount Morris	Livingston	Finger Lakes	RGE	Distributor of rock salt products	2,650	2,650	300	\$40,000,000	(1) 7	
4	Chapin Manufacturing, Inc.	Batavia	Genesee	Finger Lakes	NGRID	Manufacturer of air compressed sprayers	1,016	1,016	193	\$400,000	(1) 7	
5	Quality Vision International Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of measurement devices	326	326	260	\$2,000,000	7	
	Finger Lakes Region Sub-totals:						3,992	3,992	753	\$42,400,000		
6	Curtiss-Wright Flow Control Corporation	Farmingdale	Suffolk	Long Island	LIPA	Manufacturer of valves & safety systems	460	460	422	\$10,000,000	7	
7	DiCarlo Distributors, Inc.	Holtsville	Suffolk	Long Island	LIPA	Wholesale food distributor	100	100	220	\$1,000,000	7	
8	MVS Mailers, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Full-service direct mail solutions	36	36	25	\$250,000	7	
9	Nassau Candy Distributors, Inc.	Hicksville	Nassau	Long Island	LIPA	Manufacturer of confectionery products	616	616	751	\$5,000,000	7	
10	NYU Langone Hospitals	Multiple Cities	Nassau & Suffolk	Long Island	LIPA	Hospitals & healthcare services	2,402	3,080	6,461	\$440,828,995	(2) 7	
11	Peconic Landing at Southold, Inc.	Greenport	Suffolk	Long Island	LIPA	Retirement & assisted-living community	126	200	200	\$9,300,000	(2) 7	
12	Topiderm Inc.	Amityville	Suffolk	Long Island	LIPA	Manufacturer of pharmaceutical products	126	150	350	\$3,000,000	(2) 7	
	Long Island Region Sub-totals:						3,866	4,642	8,429	\$469,378,995		
13	Advanced Coating Technologies, LLC	Middletown	Orange	Mid-Hudson	ONR	Manufacturer of aircraft engines	2,100	2,100	195	\$1,000,000	7	
	Mid-Hudson Region Sub-totals:						2,100	2,100	195	\$1,000,000		
14	Pratt Paper (NY), Inc.	Staten Island	Richmond	New York City	CONED	Manufacturer of corrugated packaging solutions	10,000	10,000	270	\$15,000,000	7	
	New York City Region Sub-totals:						10,000	10,000	270	\$15,000,000		
15	Potters Industries, LLC	Potsdam	St. Lawrence	North Country	NGRID	Manufacturer of engineered glass materials	280	280	31	\$700,000	7	
	North Country Region Sub-totals:						280	280	31	\$700,000		
16	Protective Industries, Inc.	Buffalo	Erie	Western New York	NGRID	Manufacturer of plastic caps & plugs	366	366	299	\$1,000,000	7	
17	Upstate Niagara Cooperative, Inc.	West Seneca	Erie	Western New York	NYSEG	Production of dairy products	398	398	195	\$15,000,000	(1) 7	
	Western New York Region Sub-totals:						764	764	494	\$16,000,000		
	Totals						21,898	22,674	10,390	\$555,228,995		
(1) The customer's extension recommendation includes a modification to combine multiple allocations into one RNY Power allocation extension.												
(2) The customer's extension recommendation includes a modification to accommodate an increased RNY Power award as a result of load growth and additional job commitments.												

Economic Development Power Allocation Board											Exhibit "B"
Modifications to Existing Allocations, Extensions, and/or Related Supplemental Commitments											March 25, 2025
1. Modifications Resulting in Additional Extension-Related Power Recommendations											
Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment	Contract Term (years)
1	NYU Langone Hospitals	Multiple Cities	Nassau & Suffolk	Long Island	LIPA	Hospitals & healthcare services	2,402	3,080	6,461	\$440,828,995	7
2	Peconic Landing at Southold, Inc.	Greenport	Suffolk	Long Island	LIPA	Retirement & assisted-living community	126	200	200	\$9,300,000	7
3	Topiderm Inc.	Amityville	Suffolk	Long Island	LIPA	Manufacturer of pharmaceutical products	126	150	350	\$3,000,000	7
2. Modifications to Combine Previously-Approved Extension Allocations with Current Extension-Related Power Recommendations, or Combine Current Extension Recommendations											
Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment	Contract Term (years)
4	American Rock Salt Company LLC	Mount Morris	Livingston	Finger Lakes	RGE	Distributor of rock salt products	2,650	2,650	300	\$40,000,000	7
5	Chapin Manufacturing, Inc.	Batavia	Genesee	Finger Lakes	NGRID	Manufacturer of air compressed sprayers	1,016	1,016	193	\$400,000	7
6	DiCarlo Distributors, Inc.	Holtsville	Suffolk	Long Island	LIPA	Wholesale food distributor	376	376	220	\$1,000,000	7
7	Syracuse Label Co., Inc.	North Syracuse	Onondaga	Central New York	NGRID	Manufacturer of custom-made labels	266	266	88	\$750,000	7
8	Upstate Niagara Cooperative, Inc.	West Seneca	Erie	Western New York	NYSEG	Production of dairy products	398	398	195	\$15,000,000	7
3. Modifications to Extension-Related Job Commitments Only											
Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment	Contract Term (years)
9	365 Data Centers NY One LLC	Commack	Suffolk	Long Island	LIPA	Data center & information technology services	2,850	2,850	3	\$7,915,000	7
4. Modifications to Combine Previously-Approved Extension Allocations											
Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment	Contract Term (years)
10	Ametek Thermal Systems, Inc.	Garden City	Nassau	Long Island	LIPA	Manufacturer of heat exchangers	810	810	172	\$4,500,000	7
11	Commitment 2000, Inc.	Buffalo	Erie	Western New York	NGRID	Manufacturer of bread products	252	252	62	\$1,350,000	7
12	Crescent Duck Farm, Inc.	Aquebogue	Suffolk	Long Island	LIPA	Duck farm & poultry processing	536	536	75	\$2,750,000	7
4. Modifications to Combine Previously-Approved Extension Allocations (continued)											
Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment	Contract Term (years)
13	DeIorio Foods, Inc.	Utica	Oneida	Mohawk Valley	NGRID	Manufacturer of frozen dough products	1,250	1,250	200	\$6,250,000	7
14	Norwich Pharmaceuticals, Inc.	Norwich	Chenango	Southern Tier	NYSEG	Manufacturer of pharmaceutical products	950	950	300	\$35,000,000	7
15	Southern Glazer's Wine and Spirits of Upstate New York, LLC	Syracuse	Onondaga	Central New York	NGRID	Distribution facility for wine & spirits	350	350	610	\$6,000,000	7

Economic Development Power Allocation Board												Exhibit "C"
Recommendations - RNY Power Allocations for Retention Purposes												March 25, 2025
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)	Contract Term (Years)
1	Page Material Management, LLC	Oswego	Oswego	Central New York	NGRID	Warehousing of temperature-controlled metals	831	416	13	0	\$2,500,000	(1) 7
	<b>Central New York Region Sub-totals:</b>							<b>416</b>	<b>13</b>	<b>0</b>	<b>\$2,500,000</b>	
2	Otsego SNF Operations Associates LLC	Cooperstown	Otsego	Mohawk Valley	NYSEG	Rehabilitation & nursing center	432	216	116	0	\$50,000	7
	<b>Mohawk Valley Region Sub-totals:</b>							<b>216</b>	<b>116</b>	<b>0</b>	<b>\$50,000</b>	
3	ITT Endline Inc.	Orchard Park	Erie	Western New York	NYSEG	Manufacturer of shock absorption devices	643	320	234	0	\$10,800,000	7
	<b>Western New York Region Sub-totals:</b>							<b>320</b>	<b>234</b>	<b>0</b>	<b>\$10,800,000</b>	
	<b>Totals</b>							<b>952</b>	<b>363</b>	<b>0</b>	<b>\$13,350,000</b>	
(1) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.												

Economic Development Power Allocation Board												Exhibit "D"
Recommendations - RNY Power Allocations for Expansion Purposes												March 25, 2025
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	Waffle8er LLC	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of frozen food products	3,475	2,430	0	80	\$24,000,000	7
	<b>Finger Lakes Region Sub-totals:</b>							<b>2,430</b>	<b>0</b>	<b>80</b>	<b>\$24,000,000</b>	
2	Hudson Co, LLC	Pine Plains	Dutchess	Mid-Hudson	CHUD	Custom wood flooring & paneling mill	500	350	22	8	\$4,424,566	(3) 7
	<b>Mid-Hudson Region Sub-totals:</b>							<b>350</b>	<b>22</b>	<b>8</b>	<b>\$4,424,566</b>	
3	Micro Bird USA Holding LLC	Plattsburgh	Clinton	North Country	NYSEG	Manufacturer of transit & school buses	915	640	274	51	\$30,000,000	(4) 7
	<b>North Country Region Sub-totals:</b>							<b>640</b>	<b>0</b>	<b>51</b>	<b>\$30,000,000</b>	
	<b>Totals</b>							<b>3,420</b>	<b>22</b>	<b>139</b>	<b>\$58,424,566</b>	
(1) All expansion-based RNY Power allocations are recommended to be "up to" the amount indicated pending the applicant's compliance with contractual commitments, including commitments relating to job creation, capital investment spending and power utilization.												
(2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.												
(3) The applicant is planning to relocate existing jobs at its current facility to the proposed project site. The base employment level refers to the existing jobs that would be relocated for the expansion project.												
(4) The applicant is purchasing the facility of a current RNY customer, Nova Bus (US) Inc., and planning further expansion at the site. The base employment level refers to the current jobs that would be retained at the site by the new applicant which were already associated with existing power allocations at the site under the previous ownership. The appropriate amount related to the applicant's retained jobs has been removed from the totals above as these commitments were previously approved for the allocations now being recommended for transfer to the new applicant in a separate Board item at the March 25, 2025 Trustee meeting.												

Economic Development Power Allocation Board												Exhibit "E"
Recommendations - RNY Power Allocations for Retention & Expansion Purposes (Small Business and/or NFP Corporations)												March 25, 2025
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	CLR Minoa LLC	Minoa	Onondaga	Central New York	NGRID	Rehabilitation & nursing center	90	46	74	0	\$50,000	7
	Central New York Region Sub-totals:							46	74	0	\$50,000	
2	Ontario Operations Associates LLC	Canandaigua	Ontario	Finger Lakes	RGE	Rehabilitation & nursing center	130	66	76	0	\$50,000	7
	Finger Lakes Region Sub-totals:							66	76	0	\$50,000	
3	The New York and Presbyterian Hospital	Cortlandt Manor	Westchester	Mid-Hudson	CONED	Hospital & healthcare services	918	350	941	0	\$15,000,000	7
	Mid-Hudson Region Sub-totals:							350	941	0	\$15,000,000	
4	Oliver Gear Inc.	Tonawanda	Erie	Western New York	NGRID	Manufacturer of precision metal components	228	126	28	0	\$500,000	7
	Western New York Region Sub-totals:							126	28	0	\$500,000	
Retention-Based Totals								588	1,119	0	\$15,600,000	
Expansion-Based Allocations												
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (1)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
5	NY Lighting Group Inc.	Bronx	Bronx	New York City	CONED	Assembly & distribution of clean energy products	384	266	8	46	\$4,600,000 (2)	7
	New York City Region Sub-totals:							266	8	46	\$4,600,000	
Expansion-Based Totals								266	8	46	\$4,600,000	
Retention & Expansion-Based Totals								854	1,127	46	\$20,200,000	
(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 applicant anticipates a baseline level of 8 current jobs at the proposed project site. The project is expected to create at least 46 new jobs resulting in 54 total jobs committed.												

<b>omic Development Power Allocation Board</b>						<b>Exhibit "F"</b>
<b>harge New York Power Program</b>						<b>March 25, 2025</b>
<b>ational Item - Applicants Not Eligible</b>						
<b>Company</b>	<b>City</b>	<b>County</b>	<b>Economic Development Region</b>	<b>IOU</b>	<b>Description</b>	<b>Reason</b>
Elizabeth Fast Ferry LLC	Glen Cove	Nassau	Long Island	LIPA	Electric ferry transportation services	The applicant's business falls within EDPAB's definition of a retail business. Specifically, the applicant operates a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services.
Village of Freeport	Freeport	Nassau	Long Island	LIPA	Municipality supplying electric services to village residents	The applicant is a public entity and is therefore ineligible for an RNY Power allocation.
Whiteboard Inc.	New Hartford	Oneida	Mohawk Valley	NGRID	Daycare center	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						Exhibit "G"	
ReCharge New York Power Program						March 25, 2025	
Informational Item - Terminate Application/Review Process							
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	CLR New Paltz LLC	New Paltz	Ulster	Mid-Hudson	CHUD	Rehabilitation & nursing center	The applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
2	Future Records LLC	Brooklyn	Kings	New York City	CONED	Music records business	The applicant submitted an incomplete application, preventing a complete analysis of the application. The applicant may consider reapplying if and when able to advance a more complete RNY Power application
3	Parker Wells Way Community Bridge Program and Entity	Schenectady	Schenectady	Capital District	NGRID	Women's shelter	The applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.

<b>Economic Development Power Allocation Board</b>						<b>Exhibit "H"</b>
<b>Statutory Criteria - RNY Power Program</b>						<b>March 25, 2025</b>
<b>Line</b>	<b>Criteria Description</b>					
1	The significance of the cost of electricity to the applicant's overall cost of doing business, and the impact that a Recharge New York power allocation will have on the applicant's operating costs;					
2	The extent to which a Recharge New York power allocation will result in new capital investment in the state by the applicant;					
3	The extent to which a Recharge New York power allocation is consistent with any regional economic development council strategies and priorities;					
4	The type and cost of buildings, equipment and facilities to be constructed, enlarged or installed if the applicant were to receive an allocation;					
5	The applicant's payroll, salaries, benefits and number of jobs at the facility for which a Recharge New York power allocation is requested;					
6	The number of jobs that will be created or retained within the state in relation to the requested Recharge New York power allocation, and the extent to which the applicant will agree to commit to creating or retaining such jobs as a condition to receiving a Recharge New York power allocation;					
7	Whether the applicant, due to the cost of electricity, is at risk of closing or curtailing facilities or operations in the state, relocating facilities or operations out of the state, or losing a significant number of jobs in the state, in the absence of a Recharge New York power allocation;					
8	The significance of the applicant's facility that would receive the Recharge New York power allocation to the economy of the area in which such facility is located;					
9	The extent to which the applicant has invested in energy efficiency measures, will agree to participate in or perform energy audits of its facilities, will agree to participate in energy efficiency programs of the authority, or will commit to implement or otherwise make tangible investments in energy efficiency measures as a condition to receiving a Recharge New York power allocation;					
10	Whether the applicant receives a hydroelectric power allocation or benefits supported by the sale of hydroelectric power under another program administered in whole or in part by the New York Power Authority;					
11	The extent to which a Recharge New York power allocation will result in an advantage for an applicant in relation to the applicant's competitors within the state; and					
12	In addition to the foregoing criteria, in the case of a not-for-profit corporation, whether the applicant provides critical services or substantial benefits to the local community in which the facility for which the Recharge New York power allocation is requested is located.					



#### **4. Transfer of RNY Power Allocations**

##### **SUMMARY**

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

1. Transfer of a 90 kilowatt ("kW") allocation and a 130 kW RNY Power allocation awarded to Nova Bus (US) Inc. ("Nova Bus"), for use at its facilities at 252 Banker Road, Plattsburgh, NY 12901, and 260 Banker Road, Plattsburgh, NY 12901, to Micro Bird USA LLC ("Micro Bird"), to address organizational changes.
2. Transfer of a pending 100 kW RNY Power allocation awarded to 230 Hill Road LLC ("230 Hill"), for use at its 90 Brentwood Drive, Wappingers Falls, NY 12590, New York facility, to Reserve Snacks Inc. ("Reserve"), to address organizational changes.
3. Transfer of a pending 120 kW and 200 kW RNY Power allocations awarded to Howlett Farms Feed, LLC ("Howlett LLC"), for use at its 2773 Pratt Road, Batavia, NY 14020, New York facility, to Howlett Farms, Inc. ("Howlett Inc."), to address organizational changes.
4. Transfer of a 150 kW RNY Power allocation awarded to Mindshift Technologies, Inc. ("Mindshift"), for use at its 500 Commack Rd., Commack, NY 11725, New York facility, to Ricoh USA, Inc. ("Rico") to address organizational changes.

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) Nova Bus (US) Inc.**

Nova Bus was awarded a 90 kW allocation and a 130 kW allocation of RNY Power for use at its facilities located in Plattsburgh, NY. These facilities manufacture buses.

On December 16, 2024, Nova Bus sold its facility to Valiant Real Estate USA Inc. for Micro Bird's use. Micro Bird plans no changes to the business that Nova Bus conducted at the facilities located in New York.

Nova Bus and Micro Bird request that the 90 kW and 130 kW RNY Power allocations be transferred from Nova Bus to Micro Bird. Micro Bird has indicated that it will honor all the terms and commitments made by Nova Bus under the Agreements for the Sale of Recharge New York and Energy with the Authority covering the allocations.

###### **2) 230 Hill Road LLC**

230 Hill was awarded a 100 kW RNY Power allocation for use at its facility in Wappingers Falls, NY. 230 Hill purchased the site for the purpose of facilitating the business operations of Reserve, a related company. Reserve manufactures specialty popcorn chips called "popped snacks."

230 Hill now seeks to transfer the pending 100 kW RNY Power allocation to Reserve to support Reserve's operations. Reserve has indicated to NYPA that it will honor all the terms and commitments

approved by the Board regarding the award of the allocation to 230 Hill. If this transfer is approved, the Authority will enter into a power sale agreement with Reserve.

3) Howlett Farms Feed, LLC

Howlett LLC was awarded a 120 kW and 200 kW RNY Power allocations for use at its facility located in Batavia, NY. The facility recently installed a grain dryer as part of a grant that was recently awarded to Howlett Inc. Howlett LLC produces and stores grain, and Howlett Inc. plans no changes to the business that Howlett LLC conducted at the facility located in New York.

Howlett LLC and Howlett Inc. request that the pending 120 kW and 200 kW Power allocations be transferred from Howlett LLC to Howlett Inc. Howlett Inc. has indicated that it will honor all of the commitments associated with the RNY Power allocations.

4) Mindshift Technologies, Inc.

Mindshift was awarded a 150 kW RNY Power allocation for use at its facility located in Commack, NY. This facility manages IT and network infrastructure for businesses.

On April 1, 2021, Ricoh merged into and survived Mindshift. Ricoh plans no changes to the business that Mindshift conducted at the facility in New York.

Ricoh requests that the 150 kW RNY Power allocation be transferred from Mindshift to Ricoh. Ricoh has indicated that it will honor all of the commitments associated with the RNY Power allocation.

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

## RECOMMENDATION

Staff recommends that the Board approve the transfers discussed above, subject to the following conditions: (1) approval of the transfers of the RNY Power allocations by the NYPA Board of Trustees; (2) there be no material reductions in the base employment level or capital investment commitment associated with the allocations that would be transferred; and (3) the transfers are addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfers.

*Chair Morris invited Mark Schwartzburt, Expert Customer Contracts Analyst, to provide highlights of staff's recommendations to the members.*

*Mr. Mark Schwartzburg provided highlights of the staff's recommendation to the members. He said that the members are requested to recommend that the New York Power Authority's ("NYPA") Board of Trustees approve a transfer of Recharge New York ("RNY") Power allocations: 1) for a customer that has sold its bus manufacturing business and assets at a facility in Plattsburgh to another business entity that will continue the same business operations at the facility in Plattsburgh; 2) for an allocation awardee that facilitated the business of a sister entity by purchasing the land and facilities for the manufacturing of specialty popcorn chips in Wappinger Falls; 3) for an allocation awardee that wishes to align the award for grain processing with the sister business entity at the same location in Batavia that received a grant for grain processing machinery; and 4) for a customer in Commack that manages IT and network infrastructure for businesses and has merged with its parent company.*

*He said that this request is subject to approval of the transfer of the RNY Power allocations by the Authority; there being no material reductions in the base employment level or capital investment commitment*

*associated with the allocations that would be transferred; and the transfer is addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfer.*

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

*The following resolution was anonymously adopted by members of the Board present.*

RESOLVED, That the transfer of a 90 kilowatt ("kW") allocation and a 130 kW allocation of Recharge New York ("RNY") Power awarded to Nova Bus (US) Inc., for use at its facilities at 252 Banker Road, Plattsburgh, NY 12901, and 260 Banker Road, Plattsburgh, NY 12901, to Micro Bird USA LLC, as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the New York Power Authority ("NYPA") Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a pending 100 kW RNY Power allocation awarded to 230 Hill Road LLC , for use at its 90 Brentwood Drive, Wappingers Falls, NY 12590, New York facility, to Reserve Snacks Inc., as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the NYPA Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a pending 120 kW and 200 kW RNY Power allocations awarded to Howlett Farms Feed, LLC, for use at its 2773 Pratt Road, Batavia, NY 14020, New York facility, to Howlett Farms, Inc., as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the NYPA Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a 150 kW RNY Power allocation awarded to Mindshift Technologies, Inc., for use at its 500 Commack Rd., Commack, NY 11725, New York facility, to Ricoh USA, Inc., as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the NYPA Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a 90 kilowatt ("kW") allocation and a 130 kW allocation of Recharge New York ("RNY") Power awarded to Nova Bus (US) Inc., for use at its facilities at 252 Banker Road, Plattsburgh, NY 12901, and 260 Banker Road, Plattsburgh, NY 12901, to Micro Bird USA LLC, as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the New York Power Authority ("NYPA") Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a pending 100 kW RNY Power allocation awarded to 230 Hill Road LLC , for use at its 90 Brentwood Drive, Wappingers Falls, NY 12590, New York facility, to

Reserve Snacks Inc., as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the NYPA Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a pending 120 kW and 200 kW RNY Power allocations awarded to Howlett Farms Feed, LLC, for use at its 2773 Pratt Road, Batavia, NY 14020, New York facility, to Howlett Farms, Inc., as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the NYPA Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a 150 kW RNY Power allocation awarded to Mindshift Technologies, Inc., for use at its 500 Commack Rd., Commack, NY 11725, New York facility, to Ricoh USA, Inc., as described in the foregoing memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the NYPA Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

#### OTHER BUSINESS

No other business to report

#### **5. Next Meeting**

Chair Cecily Morris said that the next meeting of the Board is scheduled to be held on Tuesday, May 20, 2025, at 8:00 am.

#### **Closing**

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the meeting was adjourned at approximately 8:12 a.m.



Karen Delince  
Vice President and Corporate Secretary



## Economic Development Power Allocation Board

KATHY HOCHUL  
Governor

JUDGE CECILY MORRIS  
Chair

**Date:** May 20, 2025

**To:** Economic Development Power Allocation Board

**From:** Vice President – Customer Power Supply & Economic Development

**Subject:** Industrial Incentive Awards and Economic Development Plan for Buffalo Niagara Partnership and Crescent Duck Farm, Inc.

### SUMMARY

The Economic Development Power Allocation Board (“EDPAB” or “Board”) is requested to amend the Economic Development Plan (“Plan”) covering the use of net revenues produced by the sale of Expansion Power (“EP”) to provide two Industrial Incentive Awards (“IIA”) for economic development purposes to the Buffalo Niagara Partnership (“BNP”) for economic revitalization purposes to Crescent Duck Farm, Inc. (“Crescent”). The BNP IIA would be in the amount of \$15,150,000 for purposes of economic development to establish the Western New York Community Sponsored Air Service Incentive Fund that would be held by NYPA and that BNP may draw upon, if necessary, upon installation of an international air carrier at the Buffalo Niagara International Airport to provide such carrier a minimum revenue guarantee on a quarterly basis for a period of three years following establishment of international air service at the airport, and upon BNP providing supporting documentation requesting a withdrawal from the Fund and meeting the conditions of a fund program agreement between NYPA and BNP. The Crescent IIA would be in the amount of \$700,000 for purposes of economic revitalization of a duck farm on Long Island that has been decimated by avian flu, and would be released upon the completion of conditions memorialized in an agreement between Crescent and NYPA. With EDPAB’s approval, the term of the Plan would be from June 1, 2025 to June 30, 2031 to provide financial assistance in the form of grants in the amounts listed in Exhibit “B” and herein.

### BACKGROUND

Public Authorities Law (“PAL”) §1005 (eighth unnumbered paragraph) directs the Authority to identify “net revenues” produced by the sale of EP and, further, to identify an amount of such net revenues that will be used solely for IIAs. The Authority is directed in PAL §1005 to identify net revenues available for IIAs no less often than annually. Net revenues are defined by PAL §1005 as any excess of revenues properly allocated to the sales of EP over costs and expenses properly allocated to such sales.

IIAs are to be made in conformance with a Plan covering all such “net revenues.” The Authority submits a Plan to the EDPAB<sup>1</sup>, pursuant to Economic Development Law (“EDL”) §188, which also provides for EDPAB’s approval of the Plan upon its determination that such Plan is consistent with, among other things, the criteria and requirements provided for in EDL §§184 and 185 that are used to evaluate applications for certain power. Copies of PAL § 1005 (eighth unnumbered paragraph), EDL § 188, EDL §§ 184 and 185 are attached as Exhibit “A.”

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<sup>1</sup> The EDPAB is established in Section 182 of the Economic Development Law.

## DISCUSSION

It is recommended that EDPAB amend the Plan to include the award of IIAs under the Plan to BNP and Crescent. This recommendation comes after careful consideration of each company's business case. The awards will be granted with disbursement upon reaching milestones or performance metrics, mutually agreed to by the Authority and each respective organization in Exhibit "B." These award disbursements are predicated on the availability of EP net revenue funding for such IIAs and are issued at the Authority's sole discretion.

### Buffalo Niagara Partnership

BNP is a regional chamber of commerce and economic development organization serving the Buffalo Niagara region in Western New York, and is a New York not-for-profit corporation and an IRS § 501(c)(3) tax-exempt not-for-profit organization. BNP requests an IIA to create the Western New York Community Sponsored Air Service Incentive Fund ("Fund") to support for transatlantic service at the Buffalo Niagara International Airport. BNP would administer the IIA in cooperation with the Niagara Frontier Transportation Authority ("NFTA"). NFTA is a New York State public authority that provides intermodal transportation services in the Buffalo Niagara region. NFTA seeks to bring a new international air service gate and carrier to the airport on terms consistent with all other similarly situated airport users. By letter application dated May 9, 2025, BNP submitted a business plan detailing the request to establish the Fund to incentivize an airline carrier to establish direct transatlantic service to and from Western New York by way of a Minimum Revenue Guarantee ("MRG") for an airline carrier.

The Fund would be used to make the selected carrier whole for up to \$5 million per year based upon quarterly revenue targets agreed upon by BNP with the airline carrier for each year of the program for a period of three years, for a total of up to \$15 million. The MRG would mitigate the airline carrier's risk in assigning an aircraft valued at approximately \$130 million to a route that is untested in the Buffalo region.

BNP states that MRGs such as the one they are proposing in their IIA application to establish the Fund are in use at competing airports in other similarly sized U.S. cities, including Cleveland, Indianapolis, Nashville, Hartford and Pittsburgh, to attract and retain new international airline carriers. BNP states that it expects to engage prospective carriers in discussions in summer/fall 2025, obtain a formal commitment from an airline carrier in late 2025 or early 2026, that service would begin in either spring 2026 or spring 2027, and that the Fund would be utilized for the three year period following the carrier commencing international airline service.

BNP and the Niagara Frontier Transportation Authority ("NFTA") estimate that there is an annual \$36.6 million loss to the Buffalo Niagara regional economy resulting from Western New York travelers using Toronto Pearson to reach European destinations. The establishment of transatlantic service at the Buffalo Niagara International Airport would help reverse this revenue outflow and make it easier for European visitors to come to Western New York, which in turn bolsters the region's ability to attract Great Lakes cruises, strengthen cultural institutions like the Darwin Martin House and the Buffalo AKG Art Gallery, grow the tourism economy of Niagara Falls, and grow airport, tourism and hospitality employment in the Buffalo Niagara region.

BNP states that the award would also stimulate \$32.8 million in new annual tourism spending, including supporting tourism destinations like Niagara Falls, the Buffalo AKG Art Gallery, the Michigan Street African American Heritage Corridor, and the Darwin Martin House, and provide \$1.25 million in direct tax revenue for the State of New York. BNP estimates that the project would support 288 jobs in Western New York through airport positions, tourism, and hospitality, with total annual wages of approximately \$14 million.

BNP states that the Fund would align with the Western New York regional economic development council's focus on tourism to attract international visitors to cultural attractions, thus increasing local tourism spending. BNP represents that creation of the Fund is consistent with Air Cooperative Research Program's "Building and Maintaining Air Service Through Incentive Programs."

On December 12, 2024, the NFTA Board of Commissioners adopted a new Airport System Strategic Plan that identified international air service as a "significant air service opportunity" and recommended an establishment of an "incentive fund for air service opportunities" comprised of non-NFTA public and private entities.

BNP states that establishing the Fund would not result in a competitive disadvantage for other businesses in the state. It explains that the provision of the award would not injure other airports in New York State. The Buffalo Niagara International Airport is the only airport of comparable size in the state with significant leakage of transatlantic passengers to a foreign airport (in this case, Toronto Pearson). It is the view of BNP's aviation consultants that none of the other upstate airports currently have markets of sufficient size to support transatlantic service.

BNP states that it will use its own staff to administer the Fund and has determined that it will need to retain professional legal, accounting and airline consultancy services for their work to contract with NYPA and to establish and administer the Fund program with the selected carrier and NYPA, and has estimated that such costs may total up to \$50,000 per year for three years, for a total of \$150,000.

The respective obligations of BNP and NYPA would be memorialized in a Western New York Air Service Development Fund Agreement between BNP and NYPA, which would provide that:

- BNP will establish a Fund program agreement between BNP and the selected international airline carrier that provides a MRG for three years to be funded by up to \$5 million per year for a total of up to \$15 million. The agreement would establish quarterly revenue targets for the selected airline carrier set in consultation with the Federal Aviation Administration, and payment would be made only for those quarters in which the airline presents documentation of actual revenues that fall below a quarterly revenue target, for up to \$5 million per year in each year of the program. Each year will be funded separately up to \$5 million without carrying over funds from prior years.
- NYPA will hold \$15 million in the Fund and make it available for payment to BNP in arrears for up to \$5 million per year for three years. NYPA will make payments to BNP quarterly upon BNP certifying to NYPA the amount of the revenue shortfall of the airline carrier, if any, to be drawn from the Fund for each quarter. Each year will be considered separately without overlapping funds from prior years.

- Upon receipt of a quarterly revenue shortfall payment from NYPA, BNP will transmit that payment to the airline carrier.
- BNP will provide annual reports to NYPA on payments made to the airline carrier.
- BNP may utilize up to \$50,000 of the Fund per year for three years, up to a total of \$150,000 for actual incremental expenses related to professional legal, accounting and airline consultancy services directly attributable to establishing and administering the Fund agreement and program with NYPA and the airline carrier. NYPA will make reimbursements to BNP in arrears upon presentation of invoices for expenses. BNP shall report on its total expenses to NYPA each year for the three years of the program.
- The term of the agreement will be approximately six years to provide sufficient runway to establish the international airline service in 2026-27, provide Fund payments for the MRG on a quarterly basis for three years, and to complete final payments and reporting in the last year of the agreement.
- The availability of EP net revenue funding for IIAs is within NYPA's sole discretion.
- Appropriate determination(s) by the Trustees that the funding of IIAs in any fiscal year will not have a significant impact on the Authority's finances.

Based upon the representations in the application and the recommendation of NYPA staff, the EDPAB is requested to amend the Plan to include an IIA to establish the Western New York Community Sponsored Air Service Incentive Fund in the amount of up to \$15,150,000, to be disbursed in arrears upon the completion of the agreed upon milestones and metrics as defined in a contract between NYPA and BNP, once executed.

#### Crescent Duck Farm

Crescent is a New York business corporation and a family-owned business that specializes in breeding, raising, and processing ducks. Crescent is the last commercial duck farm on Long Island and one of the last few in New York State. Due to an outbreak of the avian flu, it had to cull its entire flock of 100,000 ducks and lay off nearly its entire workforce. After the sterilization of the farm, they are working to rebuild their duck population, but the company is in a precarious state of determining whether to continue the business or not. They will have no income until a new flock can be developed.

Crescent has been an Authority customer for over 25 years starting in the Power for Jobs program and transitioning to the ReCharge NY ("RNY") program in 2012. The company receives a 606 kW RNY allocation in return for a commitment to retain 79 jobs at the facility and a five-year capital investment commitment of \$2,750,000. The company was deemed compliant with all contractual commitments in the latest reporting period prior to the devastation of the duck flock.



By letter application dated May 7, 2025, Crescent provided a detailed business revitalization plan to recuperate the business back to a stable operation allowing them to rehire the lost employment. The total expected capital investment amount is \$5,255,800 as shown in the revitalization plan, which covers normal restocking activities and operating costs for an 18-month period. The costs covered would be labor costs, duck feed costs, waste treatment, and new training requirements in enhanced biosecurity measures to prevent future disease outbreaks on the farm. An IIA will also enable Crescent to invest in real property improvements, electric load usage, and energy efficient lighting projects on site, securing the company's commitment to the state with investment in brick-and-mortar upgrades.

An IIA to Crescent would support the company's ability to stabilize and sustain its operations. The IIA will enable Crescent to reestablish its duck flock and thereby reinstate employment for 79 jobs associated with their RNY allocation employment commitment. Crescent is a multi-generational duck farm and one of the last in New York State. They have been working with the U.S. Department of Agriculture to obtain a grant to assist in the efforts to build the flock back to normal levels. The farm is well supported by the community, local government officials, and NYS assembly representatives.

Upon approval by the Trustees, NYPA will enter into a program agreement with Crescent based upon appropriate terms and conditions, including:

- Crescent's commitment to utilize the award to execute their business revitalization plan, meet their RNY allocation employment targets, and to make the real property, energy usage and lighting improvements,
- Prior to NYPA making disbursement, Crescent will be required to provide documentation demonstrating that it has expended capital per the revitalization plan, and
- The availability of EP net revenue funding for IIAs is within NYPA's sole discretion.

Accordingly, the EDPAB is requested to amend the Plan to include a one-time IIA of \$700,000 to Crescent to be drawn upon by Crescent prior to December 31, 2026.

## RECOMMENDATION

For the reasons stated above, staff recommends that the EDPAB approve and recommend that the NYPA Board of Trustees approve the following actions: (1) amend the Plan as consistent with the criteria and requirements provided for in EDL §§ 184 and 185 for the projects listed herein through June 30, 2031; (2) approve the Plan to use net revenues produced by the sale of EP to provide an IIA to BNP to fund the creation of the Fund in the amount up to \$15,150,000, and (3) approve the Plan to use net revenues produced by the sale of EP to provide an IIA to make a one-time award of \$700,000 to Crescent.

Eric S. Bowers  
Vice President  
Customer Power Supply & Economic Development

## **RESOLUTION**

RESOLVED, That the Economic Development Power Allocation Board determines, and hereby recommends that the NYPA Board of Trustees determine, that based the attached memorandum and other information referred to therein, and the criteria and requirements provided for in Economic Development Law §§ 184 and 185 (collectively, the “Criteria”), the Economic Development Plan (“Plan”) and its implementation are consistent with the Criteria, and therefore approves, and hereby recommends that the NYPA Board of Trustees approve, the amended Plan that provides for the use of net revenues from the sale of Expansion Power through June 30, 2031, in order to provide Industrial Incentive Awards to Buffalo Niagara Partnership and Crescent Duck Farm, Inc., for the reasons indicated in the Attached Memorandum.

**Public Authorities Law § 1005 – Eighth Undesignated Paragraph**

Periodically, but no less often than annually, the authority is authorized and directed to identify the net revenues produced by the sale of expansion power and further to identify an amount of the net revenues from the sale of expansion power which amount shall be used solely for industrial incentive awards. Notwithstanding other lawful purposes for which such revenues may be used, it shall be the preferred purpose of the authority to make available all such net revenues for industrial incentive awards. Provided, however, that industrial incentive awards shall be made only in conformance with an economic development plan covering all such net revenues which is submitted no less often than annually by the authority and approved pursuant to section one hundred eighty-eight of the commerce law. For purposes of this paragraph, the term net revenues shall mean any excess of revenues properly allocated to the sales of expansion power over costs and expenses properly allocated to such sales.

**Industrial Incentive Awards**

**Economic Development Law § 188**

The power authority of the state of New York shall submit to the board its economic development plan for the use of industrial incentive awards for economic development purposes. The board shall review the proposed plan and shall approve such plan, in whole or in part, upon its determination that such plan and its implementation is consistent with the criteria and requirements provided for in sections one hundred eighty-four and one hundred eighty-five of this article and such other criteria as the board may, by rule and regulation, provide with respect to the plan and industrial incentive awards.

**Criteria for Industrial Incentive Awards**

**Economic Development Law §§ 184 AND 185**

§ 184. Criteria for eligibility for economic development power. Each application for an allocation of economic development power shall be evaluated under criteria adopted by the board. Such criteria shall address, but need not be limited to:

- (a) the number of new jobs created as a result of an economic development power allocation;
- (b) the applicant's long-term commitment to New York state, as evidenced by the applicant's current and/or planned capital investment in business facilities in New York state;
- (c) the ratio of the number of jobs to be created to the amount of economic development power requested by the applicant;

(d) the types of jobs created, as measured by wage and benefit levels, security and stability of employment;

(e) the type and cost of buildings, equipment and facilities to be constructed, enlarged or installed;

(f) the extent to which economic development power will affect the overall productivity or competitiveness of the applicant's business and its existing employment within the state;

(g) the extent to which an allocation of economic development power may result in a competitive disadvantage for other businesses in the state;

(h) the general economic conditions and economic distress in the area in which the applicant's business facility would be located and the extent to which economic development power could contribute to the alleviation of such distress;

(i) the growth potential of the business facility and the contribution of economic strength to the area in which the business facility is or would be located;

(j) the extent of the applicant's willingness to make jobs available to persons defined as eligible for services under the federal job training partnership act of nineteen hundred eighty-two and the extent of the applicant's willingness to satisfy affirmative action goals;

(k) the extent to which an allocation of economic development power is consistent with state, regional and local economic development strategies and priorities and supported by local units of government in the area in which the business is located; and

(l) the impact of the allocation on the operation of any other facilities of the applicant, on other businesses within the state, and upon other electric ratepayers.

§ 185. Revitalization programs. In addition to the criteria described in section one hundred eighty-four of this article and such other criteria as the board may by rule or regulation define, an economic development power allocation may be made to a business in serious, long-term distress that is not primarily caused by normal, short-term changes in the business cycle, when the applicant demonstrates to the satisfaction of the board:

(a) that the applicant has formulated and will implement a comprehensive business revitalization plan which is described in its application, and which:

(1) contains a detailed strategy for actions to be taken by the applicant to continue as a successful business, including, but not limited to, productivity and efficiency improvements, changes in operations, financing or management, measures to enhance labor and management cooperation and to improve the skills and performance of the work force at all levels, capital investment in new equipment and plant modernization, development of new markets and products, and such other actions as will enable the business to stabilize and sustain its operations;

(2) has been endorsed by the board of directors; and

(3) establishes a verifiable schedule for completion of proposed actions;

(b) that an allocation of economic development power will significantly contribute to the revitalization plan;

(c) that the business is likely to close, partially close or relocate out of state resulting in the loss of substantial numbers of jobs;

(d) that the business is an important employer in the community and efforts to revitalize the business are in the long-term interests of both employees and the community;

(e) that a reasonable prospect exists that the proposed revitalization plan will enable the business to remain competitive and become profitable and preserve jobs for a substantial period of time;

(f) that the applicant demonstrates cooperation with the local electricity distributor and other available sources of assistance to reduce energy costs to the maximum extent practicable, through conservation and load management; and

(g) that the allocation will not unduly affect the cost of electric service to customers of the local electricity distributor.

New York Power Authority  
Economic Development Power Allocation Board  
Industrial Incentive Awards

Exhibit "B"  
May 20, 2025

Line	Awardee	City	County	Economic Development Region	Description	Recommended IIA Amount	End Date
1	Buffalo Niagara Partnership	Buffalo	Erie	Western NY	corporation and IRC § 501(c)(3) tax-exempt organization; Chamber of commerce and economic development	\$15,150,000	6/30/2031
2	Crescent Duck Farm, Inc.	Aquebogue	Suffolk	Long Island	New York business corporation; commercial duck farm	\$700,000	12/31/2026
	<b>Sub-totals:</b>					<b>\$15,850,000</b>	



## Economic Development Power Allocation Board

KATHY HOCHUL  
Governor

JUDGE CECILY MORRIS  
Chair

May 20, 2025

### **Next Meeting**

The next meeting of the Economic Development Power Allocation Board (EDPAB) is scheduled to be held on Tuesday, July 29, 2025 at 8:00 a.m.