



NY State Economic Development Power Allocation Board

ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES

December 12, 2022 – 9:00 a.m.

Meeting Held Via Videoconference

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A regular meeting of the Economic Development Power Allocation Board was held via video conference, at approximately 9:00 am.

The following Members of the Board were present:

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

Also in attendance were:

Justin Driscoll	Interim President and Chief Executive Officer, NYPA
Lori Alesio	Interim Executive Vice President & General Counsel, NYPA
Karen Delince	Vice President and Corporate Secretary, NYPA
Maribel Cruz	Vice President - Economic Development & Key Account Management – Clean Energy Solutions, NYPA
Kristen D’Agostino	Project Director – Clean Energy Solutions
Gerry McLoughlin	Manager – Power Contracts & Tariffs
Emily Alkiewicz	Manager – Business Power Allocations & Compliance
Yale Brown	Senior Analyst – Business Power Allocations & Compliance
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Senior Associate Corporate Secretary, NYPA
Michele Stockwell	Project Coordinator – Corporate Secretary

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 December 12, 2022 Proposed Meeting Agenda

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the December 12, 2022 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.

Chair Cecily Morris stated that her husband has an account with Morgan Stanley, the value of which is less than \$14,000. She said that this has been disclosed in the past for prior required disclosures through the New York State Office of Court Administration. It was also discussed with Mr. Joseph Gryzlo, the Authority's Vice President and Chief Ethics and Compliance Officer, and she informed him that she would make this disclosure at today's meeting.

2. Approval of the Minutes

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on July 25, 2022 were unanimously approved.

3. Recharge New York Power – New, Extended and Modified Allocations

SUMMARY

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

- (a) recommend that the New York Power Authority (“Authority” or “NYPA”) Trustees (“Trustees”) extend each of the 14 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” for a term of 7 years. The term would commence on the expiration of each such existing Allocation, or in the Authority’s discretion, on a date to be agreed upon by the parties, for a term not to exceed 7 years (collectively, the “Extended Term”), subject to the following conditions:
 - i. A customer whose Allocation would be extended would have to agree to provide supplemental commitments for, among other things, jobs and capital investments, as it has in its current RNY Power agreement(s) with the Authority (collectively, “Current RNY Power Agreement”) for the length of any Extended Term, through the incorporation of such supplemental commitments in the proposed final contract that is executed by the parties. With respect to capital investments, the vast majority of RNY Power customers (i.e., those who do not have project/expansion capital investment commitments) would be expected to meet a minimum capital investment commitment.
 - ii. Unless otherwise noted, each of the customers identified in Exhibit “A” is in compliance with its contractual obligations to the Authority under its Current RNY Power Agreement;

- (b) recommend that the Trustees approve modifications related to the previously approved RNY Power allocations, extensions, and/or related supplemental commitments for the customers listed in Exhibit "B";
- (c) recommend that the Trustees award new allocations of RNY Power available for "retention" purposes to the businesses listed in Exhibit "C" in the amounts indicated therein;
- (d) recommend that the Trustees award new allocations of RNY Power available for "expansion" purposes to the businesses listed in Exhibit "D" in the amounts indicated therein;
- (e) recommend that the Trustees award new allocations of RNY Power available for eligible small businesses and/or not-for-profit corporations to the entities listed in Exhibit "E" in the amounts indicated therein;
- (f) determine that the applicants listed in Exhibit "F" are not eligible to receive an RNY Power allocation;
- (g) terminate the application review process for the applicants listed in Exhibit "G"; and
- (h) determine that the applicant listed in Exhibit "H" would not be recommended to receive an RNY Power allocation.

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

- (1) provisions for effective periodic audits of the recipient of an allocation for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an allocation if the recipient fails to maintain commitments, relating to such things as employment levels, power utilization, capital investments, and/or energy efficiency measures;
- (2) requirements for an agreement by the recipient of an allocation 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, the RNY Power Program was signed into law as part of Chapter 60 (Part CC) of the Laws of 2011. The RNY Power Program is codified primarily in Economic Development Law ("EDL") §188-a and Public Authorities Law §1005(13-a) (the "RNY Statutes"). The program makes available 910 megawatts ("MW") of "RNY Power," 50% of which will be provided by certain Authority hydropower resources and 50% of which will be procured by the Authority from other sources. RNY Power contracts can be for a term of up to 7 years in exchange for job and capital investment commitments. RNY Power is available to businesses and not-for-profit corporations for job retention and business expansion and attraction.

As part of New York State's initiative to foster business activity and streamline economic development, applications for all statewide economic development programs, including the RNY Power Program, have been incorporated into a single on-line Consolidated Funding Application ("CFA") marking a fundamental shift in how State economic development resources are marketed and allocated. Beginning in September 2011, the CFA was available to applicants. The CFA continues to serve as an efficient and effective tool to streamline and expedite the State's efforts to generate sustainable economic growth and employment opportunities. All applications that are considered for an RNY Power allocation are submitted through the CFA process.

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

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

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

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

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

Unless otherwise noted in Exhibits "C", "D", and "E" (recommendations for new RNY Power allocations), new business applicants with relatively high scores were recommended for allocations of retention RNY Power of 50% of the requested amount or average historic demand, whichever was lower. These allocations were capped at 10 MW for any recommended allocation. Not-for-profit corporation applicants that score relatively high are typically recommended for allocations of 33% of the requested amount or average historic demand, whichever is lower. These allocations are capped at 5 MW. Applicants currently receiving hydropower allocations under other Authority power programs are typically recommended for allocations of RNY Power of 25% of the requested amount, subject to the caps as stated above.

RNY Power allocation extensions have been awarded by the Trustees on fifteen prior occasions spanning from October 2018 through July 2022. 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-five prior occasions spanning from April 2012 through July 2022. Currently, approximately 22 MW of RNY Power remains unallocated. This figure reflects Trustee actions taken on RNY Power applications prior to any actions that EDPAB recommends today. If today's recommendations by EDPAB are approved by the Trustees, it is anticipated that approximately 14 MW of RNY Power will 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 the Trustees' 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 14 RNY Power customers who are requesting that their existing RNY Power allocations be extended. Exhibit "A" lists, among other things, the name of each such customer, the amount of its current Allocation, and each customer's supplemental commitments for jobs and capital investments associated with its extension recommendation. A copy of each application has also been made available to the Board. Staff's review has included on a customer-specific basis consideration of such issues as the amount of each Allocation that would be extended, the supplemental commitments that these customers have made under their Existing Contract and are prepared to make as consideration for an extension, and the customer's compliance status under its Existing Contract, including its compliance with supplemental commitments for jobs and capital investments.

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

Staff has concluded that the businesses listed in Exhibit "A", which are located throughout the State, continue to bring valuable benefits to the State. In total, the Allocations listed in Exhibit "A" are supporting the retention of 9,200 jobs and nearly \$1.5 billion in capital investments throughout New York State, and the Authority will require customers to commit to the same or substantially similar supplemental commitments for jobs and capital investments that are contained in Exhibit "A" for the Extended Term.

Staff believes that an extension of each Allocation listed in Exhibit "A" is warranted and is consistent with the statutory criteria that are used to evaluate applications for an award of RNY Power which are summarized in Exhibit "I". As described above, each Allocation would be extended for a term not to exceed 7 years.

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

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

Corning Incorporated was previously approved for a retention-based RNY Power allocation extension in the amount of 8,366 kW with commitments of 1,320 retained jobs and \$139 million in capital spending. The company, which is a manufacturer of specialty glass and ceramics, currently utilizes the allocation at its facility in Painted Post (Steuben County). In addition to the retention-based allocation, the

company recently submitted an RNY Power application to extend its expansion-based allocation. In recent communications with the customer, it was determined that a consolidation of both allocations would be appropriate for the company moving forward. For this reason, the Trustees are requested to approve modifications to the retention-based RNY Power allocation extension to reflect an awarded amount of 10,616 kW with commitments of 1,850 retained jobs and \$139 million in capital spending.

Databank Holdings, Ltd. was previously approved for an expansion-based RNY Power allocation in the amount of 1,000 kW with commitments of 10 new jobs and \$83.4 million in capital spending. The expansion award is associated with the company's proposal to establish a data center campus in Orangeburg (Rockland County). In recent communications with the customer, it was determined that the company underestimated its original expansion project cost. For this reason, the Trustees are requested to approve a modification to the capital investment commitment of the expansion-based RNY Power allocation to \$112 million. The RNY Power allocation and job commitment amounts would remain unchanged.

Ducommun Aerostructures New York, Inc. was previously approved for a retention-based RNY Power allocation in the amount of 1,250 kW with commitments of 270 retained jobs and \$10 million in capital spending. The company, which is a global provider of manufacturing and engineering services, would utilize the allocation at its facility in Coxsackie (Greene County). In recent communications with the customer, it was determined that the company inadvertently overstated its original proposed commitments. For this reason, the Trustees are requested to approve modifications to the commitments of the retention-based RNY Power allocation to 212 retained jobs and \$2 million in capital spending. The RNY Power allocation amount would remain unchanged.

New York University was previously approved for a retention-based RNY Power allocation extension in the amount of 5,000 kW with commitments of 9,700 retained jobs and \$250 million in capital spending. The university, which consists of multiple sites throughout its New York City campus, has since indicated it would like to allocate portions of its RNY Power allocation to additional facilities/accounts not specifically listed in its application as facilities to receive power. For this reason, the Trustees are requested to authorize a modification to the customer's power contract to include the additional facilities/accounts.

Precision Gear Industries LLC was previously approved for a retention-based RNY Power allocation extension in the amount of 240 kW with commitments of 141 retained jobs and \$1 million in capital spending. The company, which is a manufacturer of aerospace products, currently utilizes the allocation at its facility in College Point (Queens County). In addition to the retention-based allocation, the company recently submitted an RNY Power application to extend its expansion-based allocation. In recent communications with the customer, it was determined that a consolidation of both allocations would be appropriate for the company moving forward. For this reason, the Trustees are requested to approve modifications to the retention-based RNY Power allocation extension to reflect an awarded amount of 336 kW with commitments of 141 retained jobs and \$1 million in capital spending.

Yeshiva University was previously approved for a retention-based RNY Power allocation extension in the amount of 90 kW with commitments of 151 retained jobs and \$0.75 million in capital spending. In recent communications with the customer, it was determined that the university didn't include several sites located throughout its New York City campus in its original application for RNY Power. As a result, the company submitted a recent RNY Power application to accommodate the additional facilities. For this reason, the Trustees are requested to approve modifications to this customer's retention-based RNY Power allocation extension to reflect an awarded amount of 1,216 kW with commitments of 500 retained jobs and \$1 million in capital spending.

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

3. Retention-Based RNY Power Allocations

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

4. Expansion-Based RNY Power Allocations

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

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

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

6. Applicants Not Eligible

Staff recommends that the Board determine that the 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.

8. Applicants Not Recommended

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

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing 14 Allocations of RNY Power listed in Exhibit "A" be extended for a term of 7 years as described above, to commence on the expiration of such Allocation, or at the Authority's discretion on a date to be agreed upon by the parties for a term not to exceed 7 years;

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

Chair Cecily Morris invited Ms. Maribel Cruz, Vice President of Economic Development and Key Account Management, to present the Recharge New York Power – New, Extended and Modified Allocations item to the Board.

Ms. Maribel Cruz, Vice President of Economic Development & Key Account Management – Clean Energy Solutions, said that the members of the Economic Development Power Allocation Board are requested to recommend that the Trustees approve contract extensions for 14 allocations of Recharge

New York Power to existing customers; approve modifications related to six Recharge New York allocations, extensions, and/or related supplemental commitments; and award new allocations for Recharge New York large business retention, large business expansion, and small business and not-for-profit-based power to 23 applicants. All applications were submitted through the State's Consolidated Funding Application system.

She continued that, as in the past, new applications were evaluated on a competitive basis in consideration of the 12 criteria in the Recharge New York Legislation which includes job commitments, capital investments, and applicants' risk of closure or leaving the state if they are not awarded a Recharge New York 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 Evaluation and Incentive Plan.

Ms. Cruz then invited Mr. Yale Brown, Senior Business Power Allocations & Compliance Analyst, to provide information regarding the recommendations. He said that the recommendations consist of the following:

- 14 extension allocations totaling 16.6 MW and supporting 9,200 jobs;*
- 6 modifications related to existing RNY allocations, extensions and/or related supplemental commitments;*
- 4 new, large business retention allocations totaling 2.6 MW and supporting the retention of nearly 5,000 jobs; and*
- 1 new, large business expansion allocation totaling .7 MW and supporting the creation of 168 new jobs and 22 new small business and not-for-profit based allocations totaling 5.5 MW and supporting nearly 7,100 jobs.*

He continued that, if today's recommendations are approved, approximately 14 MW of RNY power will remain available to be allocated. The awarded applicants will be offered RNY contracts for a term of up to 7 years. The contracts have provision 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 investments.

He ended that, In summary, the Board is being asked to recommend that the Trustees approve contract extensions for 14 allocations of RNY power to existing customers; approve modifications related to 6 RNY allocations, extensions, and/or related supplemental commitments and award 27 new, RNY large business retention; large business expansion and small business and not-for profit-based power allocations.

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

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

RESOLVED, That the Economic Development Power Allocation Board ("Board") recommends that the Board of Trustees ("Trustees") of the Power Authority of the State of New York ("Authority") extend each of the existing 14 allocations of Recharge New York ("RNY") Power ("Allocation" or collectively "Allocations") in the manner described in the accompanying report of the Vice President, Economic Development & Key Account Management (the "Report") for a term of 7 years, to commence (1) on the expiration of each such Allocation, or (2) at the Authority's discretion on a date to be agreed upon by the Authority and the customer, for a term not to exceed 7 years; and be it further

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

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

AND BE IT FURTHER RESOLVED, That the Board recommends that the Trustees approve the modifications/adjustments to the RNY Power allocations, extensions, and/or related supplemental commitments for the reasons indicated in the Report; and be it further

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

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

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

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

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

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

Economic Development Power Allocation Board											Exhibit "A"
Extension Recommendations - RNY Power Allocations for Retention Purposes (Large Businesses, Small Business, and/or NFP Corporations)											December 12, 2022
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	Auburn Community Hospital	Auburn	Cayuga	Central New York	NYSEG	Hospital & healthcare services	40	40	747	\$5,000,000	7
	Central New York Region Sub-totals:						40	40	747	\$5,000,000	
2	G.W. Lisk Company, Inc.	Clifton Springs	Ontario	Finger Lakes	NYSEG	Manufacturer of custom solenoids	1,340	1,340	570	\$15,000,000	7
3	Schum-Acres Dairy OPS, LLC	Naples	Ontario	Finger Lakes	NYSEG	Dairy farm	116	116	40	\$3,500,000	7
4	Thomas Electronics, Inc.	Clyde	Wayne	Finger Lakes	NYSEG	Manufacturer of electronic displays	296	296	84	\$750,000	(1) 7
5	Upstate Door, Inc.	Warsaw	Wyoming	Finger Lakes	NYSEG	Manufacturer of custom-made doors	176	176	57	\$500,000	7
	Finger Lakes Region Sub-totals:						1,928	1,928	751	\$19,750,000	
6	Crystorama, Inc.	Westbury	Nassau	Long Island	LIPA	Manufacturer of lighting fixtures	10	10	53	\$486,000	7
7	Evans & Paul Unlimited Corp.	Plainview	Nassau	Long Island	LIPA	Manufacturer of solid surface solutions	70	70	39	\$200,000	(1) 7
8	Precipart Group, Inc.	Farmingdale	Suffolk	Long Island	LIPA	Manufacturer of mechanical components	230	230	204	\$2,500,000	(2) 7
	Long Island Region Sub-totals:						310	310	296	\$3,186,000	
9	Bloomberg L.P.	Orangeburg	Rockland	Mid-Hudson	ONR	Data center for financial services	6,230	6,230	176	\$200,000,000	7
10	Morgan Stanley & Co. LLC	Purchase	Westchester	Mid-Hudson	CONED	Global financial services firm	1,950	1,950	1,500	\$425,000,000	7
	Mid-Hudson Region Sub-totals:						8,180	8,180	1,676	\$625,000,000	
11	Morgan Stanley & Co. LLC	New York	New York	New York City	CONED	Global financial services firm	3,236	3,236	4,000	\$783,000,000	7
12	Morgan Stanley & Co. LLC	New York	New York	New York City	CONED	Global financial services firm	520	520	1,200	\$52,000,000	7
13	Precision Gear Industries LLC	College Point	Queens	New York City	CONED	Manufacturer of aerospace products	380	336	141	\$1,000,000	(1), (3), (4) 7
	New York City Region Sub-totals:						3,896	3,852	5,200	\$835,000,000	
14	Corning Incorporated	Painted Post	Steuben	Southern Tier	NYSEG	Manufacturer of specialty glass & ceramics	10,616	10,616	1,850	\$139,000,000	(3) 7
	Southern Tier Region Sub-totals:						2,250	2,250	530	\$0	
	Totals						16,604	16,560	9,200	\$1,487,936,000	
<p>(1) The company's extension-related job commitment is below the evaluation threshold as compared to its original employment commitment. However, at this time, a reduction to the extension kW amount is not being recommended.</p> <p>(2) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.</p> <p>(3) The recommendation consists of a modification combining the company's expansion-based extension allocation with its previously-extended retention allocation. The appropriate components have been removed from the totals where applicable as these amounts were already included in the previously-approved retention-based extension allocation.</p> <p>(4) The extension modification recommendation accommodates the takeback of the unused portion of the customer's current expansion allocation.</p>											

Economic Development Power Allocation Board										Exhibit "B"
Modifications to Existing Allocations, Extensions, and/or Related Supplemental Commitments										December 12, 2022
Line	Company	City	County	Economic Development Region	IOU	Description	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	Corning Incorporated	Painted Post	Steuben	Southern Tier	NYSEG	Manufacturer of specialty glass & ceramics	10,616	1,850	\$139,000,000	7
2	Databank Holdings, Ltd.	Orangeburg	Rockland	Mid-Hudson	ONR	Data center & information technology management	1,000	10	\$12,000,000	7
3	Ducommun Aerostructures New York, Inc.	Coxsackie	Greene	Capital District	CHUD	Manufacturer of aerospace components	1,250	212	\$2,000,000	7
4	New York University	New York	New York	New York City	CONED	Institution of higher education	5,000	9,700	\$250,000,000	7
5	Precision Gear Industries LLC	College Point	Queens	New York City	CONED	Manufacturer of aerospace products	336	141	\$1,000,000	7
6	Yeshiva University	New York	New York	New York City	CONED	Institution of higher education	1,216	500	\$1,000,000	7

Economic Development Power Allocation Board												Exhibit "C"
Recommendations - RNY Power Allocations for Retention Purposes												December 12, 2022
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)	Contract Term (Years)
1	A & Z Pharmaceutical Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of pharmaceutical products	1,053	526	153	0	\$1,000,000	(1) 7
2	L3Harris Technologies, Inc.	Amityville	Suffolk	Long Island	LIPA	Manufacturer of defense technologies	1,103	550	535	0	\$4,000,000	(1) 7
3	Water Lilies Food, LLC	Bay Shore	Suffolk	Long Island	LIPA	Manufacturer & distributor of appetizers	1,086	540	300	0	\$2,000,000	(2) 7
Long Island Region Sub-totals:								1,616	988	0	\$7,000,000	
4	Morgan Stanley Services Group Inc.	New York	New York	New York City	CONED	Global financial services firm	1,922	960	4,000	0	\$177,000,000	7
New York City Region Sub-totals:								960	4,000	0	\$177,000,000	
Totals								2,576	4,988	0	\$184,000,000	

(1) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.
(2) 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												Exhibit "D"
Recommendations - RNY Power Allocations for Expansion Purposes												December 12, 2022
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	Water Lilies Food, LLC	Bay Shore	Suffolk	Long Island	LIPA	Manufacturer & distributor of appetizers	1,050	736	300	168	\$32,000,000	(3) 7
Long Island Region Sub-totals:								736	0	168	\$32,000,000	
Totals								736	0	168	\$32,000,000	

(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.
(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.

Economic Development Power Allocation Board												Exhibit "E"
Recommendations - RNY Power Allocations for Retention & Expansion Purposes (Small Business and/or NFP Corporations)												December 12, 2022
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	Albany Med Health System	Albany	Albany	Capital District	NGRID	Hospital & healthcare services	7,354	2,816	5,530	0	\$50,000,000	7
2	Stone Bridge Iron and Steel, Inc.	Gansevoort	Saratoga	Capital District	NGRID	Steel fabrication services	313	156	69	0	\$2,500,000	7
Capital District Region Sub-totals:								2,972	5,599	0	\$52,500,000	
3	Nidec Motor Corporation	East Syracuse	Onondaga	Central New York	NGRID	Manufacturer of electric motors	160	106	60	0	\$3,500,000 (1)	7
Central New York Region Sub-totals:								106	60	0	\$3,500,000	
4	RDG LLC	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of railroad signal equipment	56	26	11	0	\$150,000 (5)	7
Finger Lakes Region Sub-totals:								26	11	0	\$150,000	
5	D. F. Eastwood Construction Corp.	Islandia	Suffolk	Long Island	LIPA	Manufacturer of fence & railing products	36	16	40	0	\$100,000	7
6	Long Island FQHC, Inc.	Westbury	Nassau	Long Island	LIPA	Primary & preventative healthcare services	299	110	325	0	\$500,000 (1), (5)	7
7	Nassau Chromium Plating Co., Inc.	Mineola	Nassau	Long Island	LIPA	Metal finishing & electroplating services	107	50	17	0	\$25,000	7
8	Nassau Provisions Kosher Foods Inc.	Holtsville	Suffolk	Long Island	LIPA	Wholesale food distributor	377	186	95	0	\$125,000	7
9	Spectronics Corporation	Melville	Suffolk	Long Island	LIPA	Manufacturer of leak detection dyes	87	40	85	0	\$500,000	7
10	Urban Fields Agriculture LLC	Patchogue	Suffolk	Long Island	LIPA	Hydroponic indoor farm	22	10	1	0	\$300,000	7
Long Island Region Sub-totals:								412	563	0	\$1,550,000	
11	H&F Products, Inc.	Florida	Orange	Mid-Hudson	ONR	Manufacturer of packaged foods	63	30	35	0	\$3,500,000	7
Mid-Hudson Region Sub-totals:								30	35	0	\$3,500,000	
12	Teri Nichols Institutional Food Merchants LLC	Brooklyn	Kings	New York City	CONED	Wholesale food distributor	218	106	93	0	\$1,000,000	7
13	Yeshiva University	New York	New York	New York City	CONED	Institution of higher education	3,166	1,216	500	0	\$1,000,000 (2), (5)	7
New York City Region Sub-totals:								1,232	442	0	\$1,250,000	
14	Myles Tool Company, Inc.	Sanborn	Niagara	Western New York	NGRID	Manufacturer of industrial cutting tools	377	186	30	0	\$600,000	7
15	Novair USA Corp.	North Tonawanda	Niagara	Western New York	NGRID	Manufacturer of medical gas systems	117	56	42	0	\$150,000	7
16	Steel Leaf Brewing Company LLC	Buffalo	Erie	Western New York	NYSEG	Brewery for craft beverages	72	36	12	0	\$35,000 (1)	7
Western New York Region Sub-totals:								278	84	0	\$785,000	
Retention-Based Totals								5,056	6,794	0	\$63,235,000	
Expansion-Based Allocations												
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (3)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
17	Nidec Motor Corporation	East Syracuse	Onondaga	Central New York	NGRID	Manufacturer of electric motors	95	60	60	12	\$4,500,000 (1), (4)	7
18	Cayuga Medical Associates, P.C.	Cortland	Cortland	Central New York	NGRID	Medical services facility	205	100	13	4	\$100,000	7
Central New York Region Sub-totals:								160	13	16	\$4,600,000	
19	FTS Business Consultants, Inc.	Rochester	Monroe	Finger Lakes	RGE	Recruiting & staffing services	45	20	0	226	\$4,500,000	7
Finger Lakes Region Sub-totals:								20	0	226	\$4,500,000	
20	Long Island FQHC, Inc.	Westbury	Nassau	Long Island	LIPA	Primary & preventative healthcare services	307	116	325	20	\$7,000,000 (1), (4), (5)	
21	Teri Nichols Institutional Food Merchants LLC	Hauppauge	Suffolk	Long Island	LIPA	Wholesale food distributor	235	116	0	20	\$10,000,000	
Long Island Region Sub-totals:								232	0	40	\$17,000,000	
22	Steel Leaf Brewing Company LLC	Buffalo	Erie	Western New York	NYSEG	Brewery for craft beverages	35	16	12	8	\$35,000 (1), (4)	
Western New York Region Sub-totals:								16	0	8	\$35,000	
Expansion-Based Totals								428	13	290	\$26,135,000	
Retention & Expansion-Based Totals								5,484	6,807	290	\$89,370,000	
(1) The applicants are being recommended for both RNY retention and expansion-based allocations. (2) The applicant is being recommended for modifications to its existing retention-based RNY allocation. The changes will be implemented accordingly in a modified customer power contract. (3) All expansion-based RNY Power allocations are recommended to be "up to" the amount indicated pending the applicant's compliance with contractual commitments, including commitments relating to job creation, capital investment spending, and power utilization. (4) The number of new jobs committed will be above a base employment level specified in the applicant's retention-based allocation recommendation. (5) 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 ReCharge New York Power Program Applicants Not Eligible							Exhibit "F" December 12, 2022
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Euphoric Cloud, LLC	Flushing	Queens	New York City	CONED	Retail sale of cannabis products	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	Randall Elite Entertainment and Performing Artists LLC	New York	New York	New York City	CONED	Community events planning 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.

Economic Development Power Allocation Board ReCharge New York Power Program Terminate Application/Review Process							Exhibit "G" December 12, 2022
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	AAR Allen Services, Inc.	Islip	Suffolk	Long Island	LIPA	Repair & overhaul of aircraft components	The applicant has applied prematurely and is unable to currently provide staff with additional requested information, preventing a complete analysis of the application. The applicant may consider reapplying if and when able to advance a more complete RNY Power application.
2	New York Auto Museum Experience Center	New York	New York	New York City	CONED	Automotive museum	The applicant has applied prematurely and is unable to currently provide staff with additional requested information, 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	Strides Pharma Inc.	Ramapo	Rockland	Mid-Hudson	ONR	Brand & generic drug manufacturer	The applicant has applied prematurely and is unable to currently provide staff with additional requested information, preventing a complete analysis of the application. The applicant may consider reapplying if and when able to advance a more complete RNY Power application.

Economic Development Power Allocation Board ReCharge New York Power Program Applicant/Application Not Recommended for RNY Power Allocation							Exhibit "H" December 12, 2022
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Natural Foods, Inc.	Freeport	Nassau	Long Island	Not Applicable	Wholesale food distributor	The applicant's proposed expansion site would be served by a municipal electric utility which is not in a position to accept and account for RNY Power to individual customers. In addition, the applicant would receive competitive electric rates by virtue of the utility's receipt of low-cost NYPA hydropower.

Economic Development Power Allocation Board Statutory Criteria - RNY Power Program							Exhibit "I" December 12, 2022
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.						

4. 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 1,210 kW RNY Power allocation awarded to Kraft Heinz Foods Company (“Kraft”), for use at its facility located at 261 Delaware Street, Walton, New York, to Lactalis Heritage Dairy, Inc. (“LHD”), to address organizational changes.
2. Transfer of a 100 kW RNY Power allocation awarded to TMI Trading Corporation (“TMI”), for use at its 513 Irving Avenue, Brooklyn, New York facilities, to CJ Foods USA Inc. (“CJ Foods”), which has assumed ownership of TMI’s assets at this site.
3. Transfer of a 3,500 kW RNY Power allocation awarded to Upstate Niagara Cooperative, Inc. (“Upstate Niagara”), for use at its 8600 Main Street, Campbell, New York facilities, to BelGioioso Cheese Inc. (“BelGioioso”), which has assumed ownership of Upstate Niagara’s assets at this site.

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) Kraft Heinz Foods Company

Kraft was awarded a 1,210 kW RNY Power allocation for use at its facility located at 261 Delaware Street, Walton, New York. This facility manufactures sour cream and cottage cheese.

In November 2021, LHD purchased Kraft’s business and facility at the site. LHD has assumed the operations Kraft previously conducted at this site using the work force that Kraft employed.

Both companies have asked that the 1,210 kW RNY Power allocation be transferred to LHD to support LHD’s operations at the site. LHD has indicated it will honor all terms and commitments made by Kraft under its RNY Power sale agreement with the Authority.

2) TMI Trading Corporation

TMI was awarded a 100 kW RNY Power allocation, for use at its facilities at 513 Irving Avenue, Brooklyn, New York, where TMI has a walk-in freezer and cooler site for TMI’s noodle and dumpling manufacturing business.

In October 2021, TMI transferred its assets and some liabilities associated with the assets to CJ Foods, its parent company. CJ Foods has assumed the operations TMI previously conducted at this site using the work force that TMI employed.

Both companies have asked that the 100 kW RNY Power allocation be transferred to CJ Foods to support CJ Foods’s operations at the site. CJ Foods has indicated it will honor all terms and commitments made by TMI under its RNY Power sale agreement with the Authority.

3) Upstate Niagara Cooperative, Inc.

Upstate Niagara was awarded a 3,500 kW RNY Power allocation for use at its facilities at 8600 Main Street, Campbell, New York, where Upstate Niagara manufactures Italian cheeses and string cheese.

On May 13, 2022, Upstate Niagara sold the premises and assets associated with ownership and operation of Upstate Niagara's business located at its Campbell facilities to BelGioioso.

Both companies have requested that the 3,500 kW RNY Power allocation be transferred from Upstate Niagara to BelGioioso for use by BelGioioso at the Main Street facility. BelGioioso has indicated it will honor all commitments including employment, power utilization, and capital investment commitments associated with Upstate Niagara's 3,500 kW RNY Power allocation.

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 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 transfers are addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfers.

For the reasons stated, I recommend the approval of the above-requested action by adoption of the resolution below.

Mr. Yale Brown, Senior Business Power Allocations & Compliance Analyst, provided highlights of the transfer of Recharge New York power allocations item to the Board. He said that the Board is requested to recommend that the Trustees approve the transfer of Recharge New York ("RNY") power allocations for three customers experiencing business changes necessitating such transfer; specifically:

- 1. Transfer of a 1,210 kW RNY Power allocation awarded to Kraft Heinz Foods Company for use at its facility located at 261 Delaware Street, Walton, New York, to Lactalis Heritage Dairy, Inc. ("LSD"), to address organizational changes.*
- 2. Transfer of a 100 kW RNY Power allocation awarded to TMI Trading Corporation, for use at its 513 Irving Avenue, Brooklyn, New York facilities, to CJ Foods USA Inc., which has assumed ownership of TMI's assets at this site; and*
- 3. Transfer of a 3,500 kW RNY Power allocation awarded to Upstate Niagara Cooperative, Inc., for use at its 8600 Main Street, Campbell, New York facilities, to BelGioioso Cheese Inc., which has assumed ownership of Upstate Niagara's assets at this site.*

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

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

RESOLVED, That the transfer of a 1,210 kilowatt ("kW") ReCharge New York ("RNY") Power allocation awarded to Kraft Heinz Foods Company, for use at its facilities at 261 Delaware Street, Walton, New York, to Lactalis Heritage Dairy, 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 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 100 kW RNY Power allocation awarded to TMI Trading Corporation, for use at its facilities at 513 Irving Avenue, Brooklyn, New York, to CJ Foods USA, 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 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 3,500 kW RNY Power allocation awarded to Upstate Niagara Cooperative, Inc., for use at its facilities at 8600 Main Street, Campbell, New York, to BelGioioso Cheese, 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 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.

5. Proposed 2023 Meeting Agenda

The following schedule of meetings for the year 2023 is recommended:

<u>Date</u>	<u>Time</u>
February 6, 2023	9:00 a.m.
March 27, 2023	9:00 a.m.
May 22, 2023	9:00 a.m.
July 24, 2023	9:00 a.m.
September 25, 2023	9:00 a.m.
December 11, 2023	9:00 a.m.

I recommend the approval of the proposed schedule by adoption of a resolution in the form of the foregoing resolution.

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the 2023 Proposed Meeting Schedule was adopted, as follows:

RESOLVED, That the schedule of the Economic Development Power Allocation Board (“EDPAB”) meetings for the year 2023, as set forth in the foregoing report of the Vice President and Corporate Secretary, be, and hereby is, approved.

OTHER BUSINESS

No other business to report.

6. Next Meeting

Chair Cecily Morris said that the next meeting of the Board would be held on Monday, February 6, 2023 at 9:00 a.m.

Closing

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the meeting was adjourned at approximately 9:30 a.m.

Karen Delince

Karen Delince
Corporate Secretary