



ANDREW M. CUOMO
Governor

NY State Economic Development Power Allocation Board

ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES

September 22, 2020 – 10:00 a.m.

Videoconference

1. Approval of the September 22, 2020 Proposed Meeting Agenda
2. Approval of the Minutes of the Meeting of July 27, 2020
3. Approval of Recharge New York Power Program – New, Extended and Modified Allocations

OTHER BUSINESS

4. Next Meeting

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

The following Members of the Board were present:

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

Also in attendance were:

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

Introduction

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

1. Approval of the Proposed Meeting Agenda

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

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the September 22, 2020 meeting was adopted.

2. **Approval of the Minutes**

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on July 27, 2020 were unanimously approved.

3. Recharge New York Power Program – 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 5 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 a modification to the employment commitments and use of the RNY Power allocation for the customer 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) recommend that the Trustees approve modifications related to the employment commitments of two existing RNY Power allocations for the customer listed in Exhibit “F”; and
- (g) terminate the application review process for the applicant listed in Exhibit “G”.

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

- (1) provisions for effective periodic audits of the recipient of an allocation for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an

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

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

BACKGROUND

On April 14, 2011, Governor Andrew M. Cuomo signed into law the RNY Power Program as part of Chapter 60 (Part CC) of the Laws of 2011. The RNY Power Program is codified primarily in Economic Development Law (“EDL”) § 188-a and Public Authorities Law (“PAL”) § 1005(13-a) (the “RNY Statutes”). The program makes available 910 megawatts (“MW”) of “RNY Power,” 50% of which will be provided by the Authority’s hydropower resources and 50% of which will be procured by the Authority from other sources. RNY Power contracts can be for a term of up to 7 years in exchange for job and capital investment commitments. RNY Power is available to businesses and not-for-profit corporations for job retention and business expansion and attraction.

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

RNY Power is available to businesses and not-for-profit corporations for job retention and business expansion and attraction purposes. Specifically, Chapter 60 provides that at least 350 MW of RNY Power shall be dedicated to facilities in the service territories served by the New York State Electric and Gas, National Grid, and Rochester Gas and Electric utility companies; at least 200 MW of RNY Power shall be dedicated to the purpose of attracting new businesses and encouraging expansion of existing businesses statewide; and up to 100 MW shall be dedicated for eligible not-for-profit corporations and eligible small businesses statewide.

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

RNY Power allocation awards are comprised of 50% hydropower and 50% Authority-procured market power. Prior to entering into a contract with an eligible applicant for the sale of RNY power, and prior to the provision of electric service relating to the RNY power allocation, the Authority shall offer each

eligible applicant the option to decline to purchase the RNY market power component of such allocation. If an eligible applicant declines to purchase the RNY market power component, the Authority has no responsibility for supplying such market power to the eligible applicant.

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

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

Unless otherwise noted in Exhibits "C", "D", and "E", 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. Unless otherwise noted in Exhibit "E", not-for-profit corporation applicants that scored relatively high were recommended for allocations of 33% of the requested amount or average historic demand, whichever was lower. These allocations were capped at 5 MW. Although not applicable in the recommendations presented herein, applicants currently receiving hydropower allocations under other Authority power programs are typically recommended for allocations of RNY Power of 25% of the requested amount, subject to the caps as stated above.

RNY Power allocation extensions have been awarded by the Trustees on eight prior occasions spanning from October 2018 through July 2020. 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 twenty-eight prior occasions spanning from April 2012 through July 2020. Of the 200 MW block of RNY Power made available pursuant to Chapter 60 for business "expansion" purposes, 88.1 MW remain unallocated. Of the 100 MW block of RNY Power that is set aside for not-for-profit corporations and small businesses pursuant to Chapter 60, 3.1 MW remain unallocated. Of the remaining RNY Power made available pursuant to Chapter 60, 130.5 MW remain unallocated. These figures reflect Trustee actions on RNY Power applications taken prior to any actions the Trustees take today.

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

DISCUSSION

1. Extension of Existing Allocations

For the current round of recommendations, Authority staff has reviewed applications from 5 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 under its existing RNY Power contract with the Authority (the "Existing Contract"). 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 is recommending that the full Allocations be extended for each company as indicated in Exhibit "A".

Staff has concluded that the businesses listed on Exhibit "A", which are located throughout the State, continue to bring valuable benefits to the State. In total, the Allocations listed in Exhibit "A" are supporting the retention of 9,975 jobs and more than \$253 million in capital investments throughout New York State, and the Authority will require customers to commit to the same or substantially similar supplemental commitments for jobs and capital investments that are contained in Exhibit "A" for the Extended Term.

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

2. Modification to Existing Extension Allocation and Related Supplemental Commitments

The Board is also asked to recommend that the Trustees approve modifications related to the existing RNY Power allocation extension listed in Exhibit "B" for CBS Broadcasting Inc. ("CBS").

CBS Broadcasting Inc. ("CBS") was previously approved for an RNY Power allocation extension totaling 7,350 kilowatts ("kW"). Since that time, the company has requested to utilize the allocation at additional facilities not listed in its NYPA contract.

Staff reviewed this request and recommends that CBS's contract be modified to accommodate the use of the allocation at additional requested sites. As a result, the company will be able to commit to additional jobs associated with these facilities. Staff recommends the amount of the company's extended employment commitment be increased from 3,400 jobs to 3,551 jobs.

In view of the customer's circumstances, staff has no objection to the requested modifications and therefore recommends that EDPAB recommend to the NYPA Trustees that the modifications listed on Exhibit "B" be approved.

3. Retention-Based RNY Power Allocations

Staff recommends that EDPAB recommend to the NYPA Trustees that the applicants listed on 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 applications 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 on 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 also recommends that EDPAB recommend to the NYPA Trustees that the small business and/or not-for-profit applicants listed on 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.

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

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

The Board is also asked to recommend that the Trustees approve modifications related to the existing RNY Power allocation listed in Exhibit “F” for Active Retirement Community, Inc. (“Active Retirement”).

Active Retirement was previously approved for a retention-based RNY Power allocation totaling 290 kilowatts (“kW”) with an associated employment commitment of 350 retained jobs. After the approval, the customer realized it failed to properly account for full-time equivalent positions in its job counts and inadvertently overstated its job commitment.

As a result, the company has requested to modify the retained job commitment to 185 jobs. Staff reviewed this request and is recommending that the company’s contract be modified to accommodate the adjustment to 185 retained jobs committed.

Active Retirement was also previously approved for an expansion-based RNY Power allocation totaling 150 kilowatts (“kW”) with an associated employment commitment of 391 total jobs (350 retained jobs and 41 new jobs). The customer made a similar miscalculation on its job counts for this allocation and overstated its intended job creation commitment.

As a result, the company has requested to modify its new job commitment from 41 to 22 new jobs. Staff reviewed this request and is recommending that the company’s contract be modified to accommodate the revised new job commitment.

Using the revised baseline of 185 retained jobs as described above, the company’s revised employment commitment associated with its expansion-based allocation will be 207 total jobs (185 retained jobs and 22 new jobs).

In view of the customer’s circumstances, staff has no objection to the requested modifications and therefore recommends that EDPAB recommend to the NYPA Trustees that the modifications listed on Exhibit “F” be approved.

7. Termination of Application Review Process

Staff recommends that the Board terminate the application review process for the applicant for RNY Power listed in Exhibit “G” on the grounds that the applicant has not been responsive to requests by

staff for additional information, preventing a complete analysis of the application and rendering the subject RNY Power application incomplete.

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing 5 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 extension employment commitments and use of the RNY Power allocation for the customer listed 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; and
- (7) Recommend that the NYPA Trustees approve the modifications related to the allocations and/or supplemental commitments described in Exhibit "F" for the reasons discussed above and in Exhibit "F".

Chair Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions to present the Recharge New York Power Program – New, Extended and Modified Allocations to the Board.

Mr. Hayes said staff is requesting that EDPAB board recommend that the Authority's Trustees approve contract extensions for 5 allocations of Recharge New York Power to existing customers, to approve modifications related to previously extended Recharge New York Power Allocation, to accommodate adjustments to the employment commitment and use of the allocation at additional requested sites, award 10 new Recharge New York Large Business Retention, Large Business Expansion, and Small Business and Not-For-Profit Based Power Allocations; and lastly, approve modifications to 2 previously approved Recharge New York Power Allocations to accommodate employment commitment adjustment for the reasons stated above.

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Recharge New York Power Program – 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.

RESOLVED, That the Economic Development Power Allocation Board (“Board”) approved recommendation that the Board of Trustees (“Trustees”) of the Power Authority of the State of New York (“Authority”) extend each of the existing 5 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” in the manner described in the accompanying memorandum of the Senior Vice President, Clean Energy Solutions (the “Memorandum”) for a term of 7 years, to commence (1) on the expiration of each such Allocation, or (2) at the Authority’s discretion on a date to be agreed upon by the Authority and the customer, for a term not to exceed 7 years; and be it further

RESOLVED, That the Board also approved recommendation 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 further approves recommendation that the Trustees approve the modification to the employment commitments and use of the RNY Power allocation extension

for the customer listed in Exhibit “B” to the attached Memorandum for the reasons indicated in the Memorandum and Exhibit “B; and be it further

RESOLVED, That the Board approves recommendation that the Trustees approve the new RNY Power allocations for retention purposes to the applicants listed in Exhibit “C” in the amounts indicated therein; and be it further

RESOLVED, That the Board approves recommendation that the Trustees approve the new RNY Power allocations for expansion purposes to the applicants listed in Exhibit “D” in the amounts indicated therein; and be it further

RESOLVED, That the Board approves recommendation that the Trustees approve the new RNY Power allocations for retention and expansion purposes to the small businesses and/or not-for-profit applicants listed in Exhibit “E” in the amounts indicated therein; and be it further

RESOLVED, That the Board further approves recommendation that the Trustees approve the modifications/adjustments to the supplemental commitments described in Exhibit “F” for the reasons indicated in the Memorandum and Exhibit “F”; and

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

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

Exhibit "A"
 September 22, 2020

Retention-Based Allocations

	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Job Commitments	Capital Investment Commitment (\$)	Contract Term (years)
1	Autronic Plastics, Inc.	Central Islip	Suffolk	Long Island	LIPA	Manufacturer of plastic products	436	436	96	\$800,000	7
	Long Island Region Sub-totals:						436	436	96	\$800,000	
2	Carlisle Construction Materials, LLC	Montgomery	Orange	Mid-Hudson	CHUD	Manufacturer of construction products	716	716	84	\$500,000	7
	Mid-Hudson Region Sub-totals:						716	716	84	\$500,000	
3	New York University	New York	New York	New York City	CONED	Institution of higher education	5,000	5,000	9,700	\$250,000,000	7
	New York City Region Sub-totals:						5,000	5,000	9,700	\$250,000,000	
4	Soucy USA, Inc.	Champlain	Clinton	North Country	NYSEG	Leasing facility for warehousing & manufacturing	170	170	4	\$250,000	7
	North Country Region Sub-totals:						170	170	4	\$250,000	
5	Culinary Arts Specialties Inc.	Cheektowaga	Erie	Western New York	NGRID	Manufacturer of frozen dessert products	220	220	91	\$1,500,000	7
	Western New York Region Sub-totals:						220	220	91	\$1,500,000	
Totals							6,542	6,542	9,975	\$253,050,000	

Economic Development Power Allocation Board

Exhibit "B"

Modifications to Extension Recommendations - RNY Power Allocations for Retention Purposes (Large Businesses, Small Businesses, and/or NFP Corporations)

September 22, 2020

Retention-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	CBS Broadcasting Inc.	New York	New York	New York City	CONED	Television & radio broadcasting	7,350	3,551 ⁽¹⁾	\$200,000,000	7

(1) Represents modified/corrected job commitment amount. The customer was previously extended for an RNY Power allocation with an employment commitment of 3,400 jobs. The revised employment commitment will apply to multiple facilities/addresses and the change will be implemented in the customer's power contract.

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

Exhibit "C"
 September 22, 2020

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)	Contract Term (years)
1	Plug Power Inc.	Latham & Clifton Park	Albany & Saratoga	Capital District	NGRID	Manufacturer of fuel cell solutions	648	320	600	0	\$5,000,000	⁽¹⁾ 7
	Capital District Region Sub-totals:							320	600	0	\$5,000,000	
2	Once Again Nut Butter Collective Inc.	Nunda	Livingston	Finger Lakes	RGE	Manufacturer of organic nut butter products	715	356	65	0	\$300,000	7
	Finger Lakes Region Sub-totals:							356	65	0	\$300,000	

Totals

676	665	0	\$5,300,000
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(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
 Recommendations - RNY Power Allocations for Expansion Purposes

Exhibit "D"
 September 22, 2020

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (1)	Base Employment (2)	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
1	Zweigle's, Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of meat products	88	60	48	9	\$6,000,000 (3)	7

Totals

60	0	9	\$6,000,000
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- (1) All expansion-based RNY Power allocations are recommended to be "up to" the amount indicated pending the applicant's compliance with contractual commitments, including commitments relating to job creation, capital investment spending, and power utilization.
- (2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.
- (3) This applicant was previously approved for an RNY Power allocation. The base employment level refers to the applicant's current retained jobs which are already associated with an existing power allocation.

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

Exhibit "E"
 September 22, 2020

Retention-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)		Contract Term (years)
1	Rotork Controls Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of valve actuators	126	60	125	0	\$250,000	(1)	7
	Finger Lakes Region Sub-totals:												
								60	125	0	\$250,000		
2	Parkell, Inc.	Edgewood	Suffolk	Long Island	LIPA	Manufacturer of dental tools & devices	180	90	82	0	\$81,500	(1)	7
	Long Island Region Sub-totals:												
								90	82	0	\$81,500		
3	Linda Tool & Die Corporation	Brooklyn	Kings	New York City	CONED	Manufacturer of precision machined components	130	60	13	0	\$125,000		7
4	NYU Langone Hospitals	Brooklyn	Kings	New York City	CONED	Hospitals & healthcare centers	5,829	1,940	4,000	0	\$250,000,000	(2)	
	New York City Region Sub-totals:												
								2,000	4,013	0	\$250,125,000		

Retention-Based Totals

2,150	4,220	0	\$250,456,500
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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)
5	Rotork Controls Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of valve actuators	300	150	125	56	\$10,800,000	(1), (4)	7
	Finger Lakes Region Sub-totals:												
								150	0	56	\$10,800,000		
6	HydrOrganic Farms LLC	East Setauket	Suffolk	Long Island	LIPA	Robotic & vertical hydroponic farm	80	40	1	1	\$400,000		7
7	Parkell, Inc.	Edgewood	Suffolk	Long Island	LIPA	Manufacturer of dental tools & devices	100	50	82	20	\$668,500	(1), (4)	7
	Long Island Region Sub-totals:												
								90	1	21	\$1,068,500		

Expansion-Based Totals

240	1	77	\$11,868,500
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Retention & Expansion-Based Totals

2,390	4,221	77	\$262,325,000
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- (1) The applicants are being recommended for both RNY retention and expansion-based allocations.
- (2) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's 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.

Economic Development Power Allocation Board

Exhibit "F"

Modifications to Recommendations - RNY Power Allocations for Retention and/or Expansion Purposes (Large Businesses, Small Businesses, and/or NFP Corporations)

September 22, 2020

Retention-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	Recommended kW Amount	Final Job Retention Commitments	Final Job Creation Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	Active Retirement Community, Inc.	South Setauket	Suffolk	Long Island	LIPA	Retirement & assisted-living community	290	185 ⁽¹⁾	0	\$12,000,000	7

Expansion-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	Recommended kW Amount	Final Job Retention Commitments	Final Job Creation Commitments	Final Project Capital Investment (\$)	Contract Term (years)
2	Active Retirement Community, Inc.	South Setauket	Suffolk	Long Island	LIPA	Retirement & assisted-living community	150	185 ⁽¹⁾	22 ⁽²⁾	\$70,000,000	7

- (1) Represents modified/corrected job commitment amount. The customer was previously approved for an RNY Power allocation with an employment commitment of 350 retained jobs. Due to an error in determining the amount of full-time equivalent (FTE) positions, the customer has requested to correct its employment commitment to 185 retained jobs. The revised employment commitment will be implemented in the customer's power contract.
- (2) Represents modified/corrected job commitment amount. The customer was previously approved for an RNY Power allocation with an employment commitment of 41 created jobs. Due to an error in determining the amount of full-time equivalent (FTE) positions, the customer has requested to correct its employment commitment to 22 created jobs. The revised employment commitment will be implemented in the customer's power contract.

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

Exhibit "G"
September 22, 2020

Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Strong Island Renovations LLC	Oceanside	Nassau	Long Island	LIPA	Construction & home improvement services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.

Economic Development Power Allocation Board
 Statutory Criteria - RNY Power Program

Exhibit "H"
 September 22, 2020

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.

Other Business

No other business to report.

4. **Next Meeting**

Chair Nicandri said that the next meeting of the Board would be held on Monday, December 7, 2020 via videoconference.

Closing

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the meeting was adjourned at 10:09 a.m.