



# **NY State Economic Development Power Allocation Board**

ANDREW M. CUOMO  
Governor

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

### ***PROPOSED AGENDA***

**Monday, December 7, 2020  
Videoconference – 10:00 a.m.**

- 1. Adoption of the December 7, 2020 Proposed Meeting Agenda**
- 2. Adoption of the Minutes of the Meeting of September 22, 2020**
- 3. Adoption of the 2021 Proposed Meeting Schedule**
- 4. Recharge New York Power Program – New, Extended and Modified Allocations**
- 5. Transfer of RNY Power Program Allocations**
- 6. Green Jobs Evaluation Plan**

### **OTHER BUSINESS**

- 7. Next Meeting**



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# 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
	<b>Long Island Region Sub-totals:</b>						<b>436</b>	<b>436</b>	<b>96</b>	<b>\$800,000</b>	
2	Carlisle Construction Materials, LLC	Montgomery	Orange	Mid-Hudson	CHUD	Manufacturer of construction products	716	716	84	\$500,000	7
	<b>Mid-Hudson Region Sub-totals:</b>						<b>716</b>	<b>716</b>	<b>84</b>	<b>\$500,000</b>	
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
	<b>New York City Region Sub-totals:</b>						<b>5,000</b>	<b>5,000</b>	<b>9,700</b>	<b>\$250,000,000</b>	
4	Soucy USA, Inc.	Champlain	Clinton	North Country	NYSEG	Leasing facility for warehousing & manufacturing	170	170	4	\$250,000	7
	<b>North Country Region Sub-totals:</b>						<b>170</b>	<b>170</b>	<b>4</b>	<b>\$250,000</b>	
5	Culinary Arts Specialties Inc.	Cheektowaga	Erie	Western New York	NGRID	Manufacturer of frozen dessert products	220	220	91	\$1,500,000	7
	<b>Western New York Region Sub-totals:</b>						<b>220</b>	<b>220</b>	<b>91</b>	<b>\$1,500,000</b>	
<b>Totals</b>							<b>6,542</b>	<b>6,542</b>	<b>9,975</b>	<b>\$253,050,000</b>	

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 <sup>(1)</sup>	\$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	<sup>(1)</sup> 7
	<b>Capital District Region Sub-totals:</b>							<b>320</b>	<b>600</b>	<b>0</b>	<b>\$5,000,000</b>	
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
	<b>Finger Lakes Region Sub-totals:</b>							<b>356</b>	<b>65</b>	<b>0</b>	<b>\$300,000</b>	

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
	<b>Finger Lakes Region Sub-totals:</b>												
								<b>60</b>	<b>125</b>	<b>0</b>	<b>\$250,000</b>		
2	Parkell, Inc.	Edgewood	Suffolk	Long Island	LIPA	Manufacturer of dental tools & devices	180	90	82	0	\$81,500	(1)	7
	<b>Long Island Region Sub-totals:</b>												
								<b>90</b>	<b>82</b>	<b>0</b>	<b>\$81,500</b>		
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)	
	<b>New York City Region Sub-totals:</b>												
								<b>2,000</b>	<b>4,013</b>	<b>0</b>	<b>\$250,125,000</b>		

**Retention-Based Totals**

<b>2,150</b>	<b>4,220</b>	<b>0</b>	<b>\$250,456,500</b>
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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
	<b>Finger Lakes Region Sub-totals:</b>												
								<b>150</b>	<b>0</b>	<b>56</b>	<b>\$10,800,000</b>		
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
	<b>Long Island Region Sub-totals:</b>												
								<b>90</b>	<b>1</b>	<b>21</b>	<b>\$1,068,500</b>		

**Expansion-Based Totals**

<b>240</b>	<b>1</b>	<b>77</b>	<b>\$11,868,500</b>
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**Retention & Expansion-Based Totals**

<b>2,390</b>	<b>4,221</b>	<b>77</b>	<b>\$262,325,000</b>
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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 <sup>(1)</sup>	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 <sup>(1)</sup>	22 <sup>(2)</sup>	\$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

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.



# NY State Economic Development Power Allocation Board

ANDREW M. CUOMO  
Governor

**Date:** December 7, 2020  
**To:** Economic Development Power Allocation Board  
**From:** Vice President & Corporate Secretary  
**Subject:** Proposed Schedule of EDPAB Meetings in 2021

The following schedule of meetings for the year 2021 is recommended:

<u>Date</u>	<u>Time</u>
January 25, 2021	10:00 a.m.
March 29, 2021	10:00 a.m.
May 24, 2021	10:00 a.m.
July 26, 2021	10:00 a.m.
September 27, 2021	10:00 a.m.
December 6, 2021	10:00 a.m.

**I recommend the approval of the proposed schedule by adoption of a resolution in the form of the attached draft resolution.**

Karen Delince  
Vice President & Corporate Secretary

## **RESOLUTION**

RESOLVED, That the schedule of EDPAB Meetings for the year 2021, as set forth in the foregoing memorandum of the Vice President & Corporate Secretary, be, and hereby is, approved.



# NY State Economic Development Power Allocation Board

ANDREW M. CUOMO  
Governor

**Date:** December 7, 2020  
**To:** Economic Development Power Allocation Board  
**From:** Senior Vice President, Clean Energy Solutions  
**Subject:** Recharge New York Power – New, Extended and Modified Allocations

## SUMMARY

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

- (a) recommend that the New York Power Authority (“Authority” or “NYPA”) Trustees (“Trustees”) extend each of the 6 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” for a term of 7 years. The term would commence on the expiration of each such existing Allocation, or in the Authority’s discretion, on a date to be agreed upon by the parties, for a term not to exceed 7 years (collectively, the “Extended Term”), subject to the following conditions:
  - i. A customer whose Allocation would be extended would have to agree to provide supplemental commitments for, among other things, jobs and capital investments, as it has in its current RNY Power agreement(s) with the Authority (collectively, “Current RNY Power Agreement”) for the length of any Extended Term, through the incorporation of such supplemental commitments in the proposed final contract that is executed by the parties. With respect to capital investments, the vast majority of RNY Power customers (i.e., those who do not have project/expansion capital investment commitments) would be expected to meet a minimum capital investment commitment.
  - ii. Unless otherwise noted, each of the customers identified in Exhibit “A” is in compliance with its contractual obligations to the Authority under its Current RNY Power Agreement;
- (b) recommend that the Trustees award new allocations of RNY Power available for “retention” purposes to the businesses listed in Exhibit “B” in the amounts indicated therein;
- (c) recommend that the Trustees award new allocations of RNY Power available for “expansion” purposes to the businesses listed in Exhibit “C” in the amounts indicated therein;

- (d) recommend that the Trustees award new allocations of RNY Power available for eligible small businesses and/or not-for-profit corporations to the entities listed in Exhibit "D" in the amounts indicated therein;
- (e) recommend that the Trustees approve modifications related to the expansion project investment of an existing RNY Power allocation for the customer listed in Exhibit "E";
- (f) not recommend an RNY Power allocation for the applicant 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 “B”, “C”, and “D” (recommendations for new RNY Power allocations), new business applicants with relatively high scores were recommended for allocations of retention RNY Power of 50% of the requested amount or average historic demand, whichever was lower. These allocations were capped at 10 MW for any recommended allocation. Although not applicable to the recommendations presented herein, not-for-profit corporation applicants that score relatively high are typically recommended for allocations of 33% of the requested amount or average historic demand, whichever is lower. These allocations are capped at 5 MW. While not applicable to the recommendations presented herein, applicants currently receiving hydropower allocations under other Authority power

programs are typically recommended for allocations of RNY Power of 25% of the requested amount, subject to the caps as stated above.

RNY Power allocation extensions have been awarded by the Trustees on nine prior occasions spanning from October 2018 through September 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-nine prior occasions spanning from April 2012 through September 2020. Of the 200 MW block of RNY Power made available pursuant to Chapter 60 for business “expansion” purposes, 91.1 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, 1.8 MW remain unallocated. Of the remaining RNY Power made available pursuant to Chapter 60, 134.2 MW remain unallocated. These figures reflect Trustee actions on RNY Power applications taken prior to any actions that EDPAB recommends today.

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

## DISCUSSION

### 1. Extension of Existing Allocations

For the current round of recommendations, Authority staff has reviewed applications from 6 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 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 nearly 700 jobs and more than \$10.8 million in capital investments throughout New York State, and the Authority will require customers to commit to the same or substantially similar supplemental commitments for jobs and capital investments that are contained in Exhibit “A” for the Extended Term.

Staff believes that an extension of each Allocation listed on Exhibit “A” is warranted and is consistent with the statutory criteria that are used to evaluate applications for an award of

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

## 2. Retention-Based RNY Power Allocations

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

## 3. Expansion-Based RNY Power Allocations

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

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

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

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

## 5. 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 “E” for Akoustis, Inc. (“Akoustis”).

Akoustis was previously approved for an expansion-based RNY Power allocation totaling 366 kilowatts (“kW”) with an associated expansion project cost of \$50 million. After the approval, the customer determined it had failed to properly account for the project timeframe, and miscalculated its proposed expansion-related capital investment.



As a result, the company has requested to modify its expansion project cost to \$26 million. Staff reviewed this request and is recommending that the company's contract be modified to accommodate the expansion-related adjustment to a \$26 million capital investment commitment.

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 "E" be approved.

#### 6. Applicants Not Recommended for RNY Power

Staff recommends that the Board not recommend the applicant listed on Exhibit "F" for RNY Power on the grounds that the applicant's facility lacks demand metering, preventing RNY Power delivery and billing.

#### 7. Termination of Application Review Process

Staff recommends that the Board terminate the application review process for the applicant for RNY Power listed on 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 6 Allocations of RNY Power listed in Exhibit "A" be extended for a term of 7 years as described above, to commence on the expiration of such Allocation, or at the Authority's discretion on a date to be agreed upon by the parties for a term not to exceed 7 years.
- (2) Recommend to the NYPA Trustees that, in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of the Allocations recommended herein, such terms and conditions include:
  - (a) provisions for effective periodic audits of the customer whose Allocation is extended for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an Extended Allocation if the business fails to maintain mutually agreed upon commitments, including those relating to employment levels, capital investments, power usage and energy efficiency measures;
  - (b) a requirement that the customer whose Allocation is extended undertake at its own expense energy audit of its facilities at which the Extended Allocation is consumed at least once during the term of the allocation absence good cause, and provide the Authority with a copy of any such audit or, at the Authority's option, a report describing the results of such audit, and provide documentation requested by the authority relating to the implementation of any efficiency measures at the facilities;
  - (c) an agreement by the customer whose Allocation is extended to make its facilities available for energy audits and related assessments that the authority desires to perform, if any, and provide information requested by the Authority or its designee in

surveys, questionnaires and other information requests relating to energy efficiency and energy-related projects, programs and services; and  
(d) an agreement by the customer whose Allocation is extended that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly.

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

Keith T. Hayes  
Senior Vice President, Clean Energy Solutions

Att.  
RNY Extension Allocations  
RNY Retention Power Allocations  
RNY Expansion Power Allocations  
RNY Eligible Small Business and Not-for-Profit Allocations  
RNY Allocation Modifications  
RNY Applicants Not Recommended  
Termination of Application Review Process  
Statutory Criteria

## **RESOLUTION**

RESOLVED, That the Economic Development Power Allocation Board (“Board”) recommends that the Board of Trustees (“Trustees”) of the Power Authority of the State of New York (“Authority”) extend each of the existing 6 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” in the manner described in the accompanying memorandum of the Senior Vice President, Clean Energy Solutions (the “Memorandum”) for a term of 7 years, to commence (1) on the expiration of each such Allocation, or (2) at the Authority’s discretion on a date to be agreed upon by the Authority and the customer, for a term not to exceed 7 years; and be it further

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

- (1) provisions for effective periodic audits of the customer whose Allocation is extended for the purpose of determining contract and RNY Power program compliance, and for the partial or complete withdrawal of an Extended Allocation if the customer fails to maintain mutually agreed upon commitments, including specifically commitments relating to, among other things, employment levels, power utilization, capital investments, and/or energy efficiency measures;
- (2) a requirement that the customer whose Allocation is extended (a) undertake at its own expense an energy audit of its facilities at which the Extended Allocation would be consumed at least once during the term of the Extended Allocation absence good cause as determined by the Authority, and (b) provide the Authority with a copy of any such audit or, at the Authority's option, a report describing the results of such

- audit, and provide documentation requested by the authority relating to the implementation of any efficiency measures at the facilities; and
- (3) an agreement by the customer whose Allocation is extended to make its facilities available for audits and related assessments that the authority desires to perform, if any, and provide information requested by the authority or its designee in surveys, questionnaires and other information requests relating to energy efficiency and energy-related projects, programs and services; and
- (4) an agreement by the customer whose Allocation is extended that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly; and be it further

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

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

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

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

RESOLVED, That the applicant listed in Exhibit "F" is not recommended for RNY Power for the reasons discussed in the Attached Memorandum and Exhibit "F"; and be it further

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".

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	Tompkins Metal Finishing, Inc.	Batavia	Genesee	Finger Lakes	NGRID	Manufacturer of industrial metal products	300	300	72	\$500,000		7
	<b>Finger Lakes Region Sub-totals:</b>						<b>300</b>	<b>300</b>	<b>72</b>	<b>\$500,000</b>		
2	Big Apple Sign Corporation	Islandia	Suffolk	Long Island	LIPA	Sign manufacturing facility	100	100	97	\$100,000		7
3	Pall Corporation	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of filtration & separation products	580	580	86	\$3,500,000		7
4	Pall Corporation	Port Washington	Nassau	Long Island	LIPA	Manufacturer of filtration & separation products	226	226	200	\$500,000	(1)	7
	<b>Long Island Region Sub-totals:</b>						<b>906</b>	<b>906</b>	<b>383</b>	<b>\$4,100,000</b>		
5	DeLorio Foods, Inc.	Utica	Oneida	Mohawk Valley	NGRID	Manufacturer of frozen dough products	910	910	200	\$1,250,000		7
	<b>Mohawk Valley Region Sub-totals:</b>						<b>910</b>	<b>910</b>	<b>200</b>	<b>\$1,250,000</b>		
6	Niagara Specialty Metals, Inc.	Akron	Erie	Western New York	NGRID	Manufacturer of steel & metal products	750	750	39	\$5,000,000		7
	<b>Western New York Region Sub-totals:</b>						<b>750</b>	<b>750</b>	<b>39</b>	<b>\$5,000,000</b>		

Totals

<b>2,866</b>	<b>2,866</b>	<b>694</b>	<b>\$10,850,000</b>
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(1) The company's extension-related job commitment is below the evaluation threshold as compared to their original employment commitment. However, at this time, a reduction to the extension kW amount is not being recommended.

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

Exhibit "B"  
 December 7, 2020

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)		Contract Term (years)
1	NexGen Power Systems, Inc.	East Syracuse	Onondaga	Central New York	NGRID	Manufacturer of power transistors	907	450	43	0	\$10,000,000	(1)	7
	<b>Central New York Region Sub-totals:</b>							<b>450</b>	<b>43</b>	<b>0</b>	<b>\$10,000,000</b>		
2	AAR Allen Services, Inc.	Garden City	Nassau	Long Island	LIPA	Repair & overhaul of aircraft components	913	456	110	5	\$2,000,000		7
3	Renaissance Technologies LLC	East Setauket	Suffolk	Long Island	LIPA	Quantitative investment management firm	2,475	1,236	150	0	\$73,575,000		7
4	Whitsons Food Service (Bronx) Corp.	Bohemia, Islandia, & Oceanside	Nassau & Suffolk	Long Island	LIPA	Manufacturer & distributor of prepared meals	488	240	100	0	\$150,000	(1), (2)	7
	<b>Long Island Region Sub-totals:</b>							<b>1,932</b>	<b>360</b>	<b>5</b>	<b>\$75,725,000</b>		
5	Russell Farms, Inc.	Appleton & Burt	Niagara	Western New York	NGRID	Fruit & vegetable farm	446	200	2	0	\$50,000	(2)	7
	<b>Western New York Region Sub-totals:</b>							<b>200</b>	<b>2</b>	<b>0</b>	<b>\$50,000</b>		

**Totals**

<b>2,582</b>	<b>405</b>	<b>5</b>	<b>\$85,775,000</b>
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- (1) This company is also recommended for an expansion-related allocation of RNY for separate and distinct job creation and capital investment commitments associated with the proposed business expansion.
- (2) 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 "C"  
 December 7, 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	NexGen Power Systems, Inc.	East Syracuse	Onondaga	Central New York	NGRID	Manufacturer of power transistors	2,670	1,866	43	25	\$10,000,000	(3)	7
	<b>Central New York Region Sub-totals:</b>							<b>1,866</b>	<b>0</b>	<b>25</b>	<b>\$10,000,000</b>		
2	Whitsons Food Service (Bronx) Corp.	Bohemia, Islandia, & Oceanside	Nassau & Suffolk	Long Island	LIPA	Manufacturer & distributor of prepared meals	950	666	100	36	\$7,500,000	(3), (4)	7
	<b>Long Island Region Sub-totals:</b>							<b>666</b>	<b>0</b>	<b>36</b>	<b>\$7,500,000</b>		

**Totals**

<b>2,532</b>	<b>0</b>	<b>61</b>	<b>\$17,500,000</b>
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- (1) All expansion-based RNY Power allocations are recommended to be "up to" the amount indicated pending the applicant's compliance with contractual commitments, including commitments relating to job creation, capital investment spending and power utilization.
- (2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.
- (3) This company is also being recommended for a retention-based RNY Power allocation associated with separate and distinct contractual commitments relating to such matters as job retention, capital investment spending, and power utilization associated with an existing business.
- (4) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.



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	New York Hemp Oil, LLC	Cortland	Cortland	Central New York	NGRID	Hemp extraction & product distribution	50	26	10	0	\$750,000	(1)	7
	<b>Central New York Region Sub-totals:</b>							<b>26</b>	<b>10</b>	<b>0</b>	<b>\$750,000</b>		
2	Posillico Materials East LLC	Holtsville	Suffolk	Long Island	LIPA	Manufacturer of construction materials	386	190	12	0	\$2,500,000		7
3	Tully Environmental Inc.	Bay Shore	Suffolk	Long Island	LIPA	Wastewater treatment facility	44	20	15	0	\$1,500,000	(1)	7
	<b>Long Island Region Sub-totals:</b>							<b>210</b>	<b>27</b>	<b>0</b>	<b>\$4,000,000</b>		

**Retention-Based Totals**

<b>236</b>	<b>37</b>	<b>0</b>	<b>\$4,750,000</b>
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Expansion-Based Allocations

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (2)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)		Contract Term (years)
4	New York Hemp Oil, LLC	Cortland	Cortland	Central New York	NGRID	Hemp extraction & product distribution	70	36	10	10	\$2,750,000	(1), (3)	7
	<b>Central New York Region Sub-totals:</b>							<b>36</b>	<b>0</b>	<b>10</b>	<b>\$2,750,000</b>		
5	Tully Environmental Inc.	Bay Shore	Suffolk	Long Island	LIPA	Wastewater treatment facility	100	50	15	5	\$2,000,000	(1), (3)	7
	<b>Long Island Region Sub-totals:</b>							<b>50</b>	<b>0</b>	<b>5</b>	<b>\$2,000,000</b>		

**Expansion-Based Totals**

<b>86</b>	<b>0</b>	<b>15</b>	<b>\$4,750,000</b>
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**Retention & Expansion-Based Totals**

<b>322</b>	<b>37</b>	<b>15</b>	<b>\$9,500,000</b>
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- (1) The applicants are being recommended for both RNY retention and expansion-based allocations.
- (2) 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.
- (3) The number of new jobs committed will be above a base employment level specified in the applicant's retention-based allocation recommendation.

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)
1	Akoustis, Inc.	Canandaigua	Ontario	Finger Lakes	RGE	Manufacturer of bulk acoustic filters	366	40	40	\$26,000,000 <sup>(1)</sup>	7

(1) Represents modified/corrected project capital investment amount. The customer was previously approved for an RNY Power allocation with an expansion project capital investment of \$50 million. Due to an error in determining the appropriate timeframe for the expansion-related investment, the customer has requested to correct its project capital investment to \$26 million. The revised project capital investment will be implemented in the customer's power contract.

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

**Exhibit "F"  
 December 7, 2020**

<b>Line</b>	<b>Company</b>	<b>City</b>	<b>County</b>	<b>Economic Development Region</b>	<b>IOU</b>	<b>Description</b>	<b>Reason <sup>(1)</sup></b>
1	Akmazio LLC	Albany	Albany	Capital District	NGRID	Development of software products	The facility lacks demand metering preventing RNY Power delivery and billing.

(1) Given the proposed disposition of this application, the eligibility of this applicant for an RNY Power allocation has not been considered at this time.

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

**Exhibit "G"  
 December 7, 2020**

<b>Line</b>	<b>Company</b>	<b>City</b>	<b>County</b>	<b>Economic Development Region</b>	<b>IOU</b>	<b>Description</b>	<b>Reason</b>
1	Johnson, Spivey and Spivey, Inc.	Rochester	Monroe	Finger Lakes	RGE	Medical transportation services	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.

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



# NY State Economic Development Power Allocation Board

ANDREW M. CUOMO  
Governor

**Date:** December 7, 2020

**To:** Economic Development Power Allocation Board

**From:** Senior Vice President, Clean Energy Solutions

**Subject:** Transfer of RNY 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 memorandum:

1. Transfer of a 150 kilowatt (“kW”) RNY Power allocation awarded to Air Stream Corp. (“Air Stream”) for its use at its facility at 3400 Lawson Boulevard, Oceanside, New York, to an affiliated company, Food Authority, Inc. (“Food Authority”), for its use at its facility at 430 Wireless Boulevard, Hauppauge, New York, to address organizational changes.
2. Transfer of a 640 kW RNY Power allocation awarded to International Fiber Corporation (“International Fiber”), for use at its 50 Bridge Street, North Tonawanda, New York facilities, to J. Rettenmaier USA LP (“Rettenmaier”), to address organizational changes.
3. Transfer of a 2,850 kW portion of a 3,000 kW RNY Power allocation awarded to mindSHIFT Technologies, Inc. (“MST”) for use at its 500 Commack Road, Commack, New York facilities to 365 Data Centers NY One LLC (“365 Data”), to address organizational changes.
4. Transfer of a 10,000 kW RNY Power allocation awarded to SABIC Innovative Plastics US LLC (“SABIC”), for use at its 1 Noryl Avenue, Selkirk, New York facilities, to SHPP US LLC (“SHPP”), to address organizational changes.

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) Air Stream Corp.

Air Stream has a 150 kW RNY Power allocation for use at its facility in Oceanside, NY, where it manufactures and/or distributes fresh and frozen produce, juices, groceries, and dairy products. Air Stream's affiliate, Food Authority operates the same type of business as Air Stream, but with a different customer base, in Hauppauge, NY. In 2018, Air Stream transferred a then pending (i.e., not yet in service) 106 kW RNY Power allocation that was awarded to support construction of a new facility and operations at the Oceanside location, to Food Authority in Hauppauge, where the new facility was constructed.

Air Stream recently closed its facility at the Oceanside location and is in the process of consolidating its business alongside Food Authority at the Hauppauge location. Both Air Stream and Food Authority request the transfer of Air Stream's 150 kW RNY Power allocation to Food Authority. Food Authority would take the transfer of the RNY Power allocation subject to the terms and conditions that are applicable to the original award to Air Stream.

2) International Fiber Corporation

International Fiber was awarded a 640 kW RNY Power allocation for use at its facilities at 50 Broad Street, North Tonawanda. This facility produces cellulose and other insoluble fiber products for functional food and industrial applications.

In 2017, International Fiber changed its name to Solvaira Specialties Inc. Solvaira Specialty LP, a subsidiary of Rettenmaier, purchased Solvaira Specialties Inc. and then merged into Rettenmaier.

Considering the merger, the companies have asked that the 640 kW RNY Power allocation be transferred to Rettenmaier. The merger has not resulted in changes to operations at the North Tonawanda facility, and Rettenmaier has indicated that it will honor all terms and commitments made by International Fiber under its RNY Power sale agreement with the Authority if the transfer is approved.

3) mindSHIFT Technologies, Inc.

MST built an IT and cloud services business including a state-of-the-art data center located at 500 Commack Road, Commack, New York. The company has a 3,000 kW RNY Power allocation. MST sold its data center to 365 Data. Due to the sale of the data center, MST's remaining IT and cloud services business now only requires 150 kW of the 3,000 kW allocation.

Both MST and 365 Data request that 2,850 kW of the original 3,000 kW RNY Power allocation be transferred to 365 Data for use at the 500 Commack Road data center. The Authority has determined the commitments that would be applicable to 365 Data and to MST based on the proposed apportionment of the 3,000 kW allocation between the companies, and 365 Data has agreed to honor all commitments associated with the transferred portion of the RNY Power allocation including employment, power utilization, capital investment and energy efficiency commitments. MST will continue to honor all the commitments the Authority associated with the remaining 150 kW portion of allocation.

#### 4) SABIC Innovative Plastics US LLC

SABIC was awarded a 10,000 kW RNY Power allocation for use at its facilities at 1 Noryl Avenue, Selkirk, New York where it manufactures, sells and distributes engineering thermoplastic resins used in water, electrical and automotive products. SABIC refers to this as its "Specialties" business. In addition to engineering thermoplastic resins, it manufactures petrochemicals, industrial polymers and fertilizers.

SABIC separated its Specialties business from the rest of its business and effectuated this separation by creating an affiliated corporation for the Specialties business called SHPP US LLC. SHPP US LLC will operate at the Selkirk facilities where SABIC's Specialties business has been located.

Both companies have asked that the 10,000 kW RNY Power allocation be transferred to SHPP. The creation of SHPP will not result in changes to operations at the Selkirk facility, and SHPP has indicated it will honor all terms and commitments made by SABIC under its RNY Power sale agreement with the Authority.

#### RECOMMENDATION

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

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



## RESOLUTION

RESOLVED, That the transfer of the 150 kilowatt (“kW”) Recharge New York Power (“RNY”) allocation awarded to Air Stream Corp., for use at its facilities at 3400 Lawson Boulevard, Oceanside, New York, to Food Authority, Inc., for use at its facilities at 430 Wireless Boulevard, Hauppauge, New York, as described in the foregoing memorandum (“Memorandum”) be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by the New York Power Authority (“NYPA”); (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer; and be it further

RESOLVED, That the transfer of a 640 kW RNY Power allocation awarded to International Fiber Corporation, for use at its facilities located at 50 Bridge Street, North Tonawanda, New York to J. Rettenmaier USA LP, for use at the same facilities, as described in the foregoing Memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by NYPA; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer; and be it further

RESOLVED, That the transfer of a 2,850 kW portion of the 3,000 kW RNY Power allocation awarded to mindSHIFT Technologies, Inc. for its use at its facility at 500 Commack Road, Commack, New York, to 365 Data Centers NY One LLC, for use at the same facility, as described in the foregoing Memorandum be, and hereby is, approved subject to the following

conditions: (1) approval of the transfer by NYPA; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer, and be it further

RESOLVED, That the transfer of the 10,000 kW RNY Power allocation awarded to SABIC Innovative Plastics US LLC for use at its facility at 1 Noryl Avenue, Selkirk, New York, to SHPP US LLC for use at the same facility, as described in the foregoing Memorandum be, and hereby is, approved subject to the following conditions: (1) approval of the transfer by NYPA; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.



# NY State Economic Development Power Allocation Board

ANDREW M. CUOMO  
Governor

**Date:** December 7, 2020  
**To:** Economic Development Power Allocation Board  
**From:** Senior Vice President, Clean Energy Solutions  
**Subject:** Green Jobs Evaluation Incentive Plan

## 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”) consider “green job” impacts when evaluating applications and making recommendations to the Trustees for allocations of power under the Recharge New York (“RNY”) program.
- (b) recommend that the Trustees authorize the Authority to provide for enhanced scoring as part of the RNY application evaluation process to recognize and incentivize applicant commitments to retain and create green jobs in New York State.
- (c) recommend that the Trustees authorize the Authority to modify RNY power applications accordingly to collect relevant information from applicants related to green job retention and creation.

## 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.

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.

## DISCUSSION

The authorizing statutes for the RNY Power Program require application of criteria intended to assess job impacts that would result from an allocation of program power, such as the type and number of jobs that would be created and retained as a result of an allocation (collectively, “Job Impact Criteria”). See Public Authorities Law (“PAL”) § 1005(13)(a); Economic Development Law (“EDL”) § 188-a(c).

New York State energy and economic development policies have evolved since the enactment of these statutes and seek to encourage development of green businesses and green jobs in New York. For example, in enacting the New York State Climate Leadership and Community Protection Act (“CLCPA”) in 2019, the Legislature found and declared among other things that (emphasis added):

3. Action undertaken by New York to reduce greenhouse emissions will have an impact on global greenhouse gas emissions and the rate of climate change. In addition, such action will encourage other jurisdictions to implement complementary greenhouse gas reduction strategies and provide an example of how such strategies can be implemented. *It will also advance the development of green technologies and sustainable practices within the private sector, which can have far-reaching impacts such as a reduction in the cost of renewable energy components, and the creation of jobs and tax revenues in New York.*

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8. *Creating good jobs and a thriving economy is a core concern of New York state. Shaping the ongoing transition in our energy sector to ensure that it creates good jobs and protects workers and communities that may lose employment in the current transition must be key concerns of our climate policy. Setting clear standards for job quality and training standards encourages not only high-quality work but positive economic impacts.*

9. [M]uch of the infrastructure work preparing our state for additional climate change events must happen quickly and efficiently. *It is in the interest of the state to ensure labor harmony and promote efficient performance of work on climate change related work sites by requiring workers to be well-trained and adequately compensated.*

The CLCPA further provides for the creation of the New York State Climate Action Council (“Council”) which in turn is obligated to convene a Just Transition Working Group (“Working Group”). The Working Group’s responsibilities include:

- advising the Council on issues and opportunities for workforce development and training related to energy efficiency measures, renewable energy and other clean energy technologies;
- identifying energy-intensive industries and related trades and identify sector specific impacts of the state’s current workforce and avenues to maximize the skills and expertise of New York state workers in the new energy economy; and
- studying and reporting on the number of jobs created to counter climate change, which shall include but not be limited to the energy sector, building sector, transportation sector, and working lands sector; and the projection of the inventory of jobs needed and the skills and training required to meet the demand of jobs to counter climate change.

The Authority, in the 2030 Strategic Plan, encourages the promotion of clean and equitable economic development through the measure of jobs in the clean energy sector.

In response to these policies, EDPAB is requested to recommend that the Trustees authorize that the jobs criteria for the RNY Power Program be supplemented to enable the Authority to recognize and incentivize green jobs development in the State. Accordingly, EDPAB is requested to recommend that the Trustees authorize staff to undertake the following measures for these purposes:

1. Consider an applicant's commitment to create and retain green jobs when evaluating RNY Power Program applications and making recommendations to the Trustees for allocations of power under the RNY Power Program, in the case of applications for (1) allocations that would support new load (e.g., new projects and expansion projects), and (2) retention-based allocations for load not already served by the Authority.
2. Provide enhanced scoring credit to recognize and incentivize green job creation and retention by RNY Power Program applicants.
3. Make appropriate modifications to the applications and related process documents used for the RNY Power Program to enable the Authority to collect relevant information from applicants related to green job creation and retention.

Exhibit A provides a functional definition of green jobs that staff proposes to use as a guide to develop the green jobs incentive plan.

If the Trustees accept EDPAB's recommendations and authorize these changes, staff will prepare the appropriate updates to the RNY Power Program application review and evaluation processes for implementation effective with the March 2021 allocation recommendations.

Staff believes that the recommendations contained herein are appropriate and supportive of State and Authority policies aimed at supporting and encouraging the creation of green jobs in New York.

## RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees to consider an RNY Power Program applicant's commitment to create and retain green jobs when evaluating RNY applications and making recommendations to the Trustees for allocations of RNY power in the case of applications for (1) allocations that would support new load (e.g., new projects and expansion projects), and (2) retention-based allocations for load not already served by the Authority.
- (2) Recommend that the NYPA Trustees authorize enhanced scoring credit to RNY Power Program applicants to recognize and incentivize green job creation for the types allocations described above.
- (3) Recommend that the NYPA Trustees authorize appropriate changes to the RNY Power Program application and related process documents to enable the Authority to collect relevant information from RNY applicants related to green job creation and retention.

Keith T. Hayes  
Senior Vice President, Clean Energy Solutions

Att.  
Green Jobs Definition

## **RESOLUTION**

RESOLVED, That the Economic Development Power Allocation Board (“Board”) recommends that the Board of Trustees (“Trustees”) of the Power Authority of the State of New York (“Authority”) (1) consider a ReCharge New York applicant’s commitment to create and retain green jobs when evaluating applications and making recommendations to the Trustees for allocations of power under the Recharge New York Power Program; (2) provide enhanced scoring credit to ReCharge New York applicants to recognize and incentivize green job creation; and (3) make appropriate changes to the ReCharge New York application and related process documents used for the ReCharge New York Power Program to enable the Authority to collect relevant information from applicants needed to evaluate green job creation and retention; and be it further

RESOLVED, That the Board further recommends that the Trustees authorize the foregoing green jobs incentive plan for implementation related to applications under the ReCharge New York Power Program for (1) allocations that would support new customer load (e.g., new projects and expansion projects), and (2) retention-based allocations for load not already served by the Authority.

EXHIBIT A  
(Green Jobs Definition)

Any job in a business that produces goods and provides services that benefit the environment or conserve natural resources. These goods and services are sold to customers and include research and development, installation, and maintenance services related to the following:

1. Energy from Renewable Sources
  - Electricity, heat, or fuel generated from renewable sources. These energy sources include wind, biomass, geothermal, solar, ocean, hydropower, and landfill gas and municipal solid waste.
2. Energy Efficiency
  - Products and services that improve energy efficiency. Included in this group are energy-efficient equipment, appliances, buildings, and vehicles, as well as products and services that improve the energy efficiency of buildings and the efficiency of energy storage and distribution, such as Smart Grid technologies.
3. Pollution reduction and removal, greenhouse gas reduction, and recycling and reuse. These are products and services that:
  - Reduce or eliminate the creation or release of pollutants or toxic compounds, or remove pollutants or hazardous waste from the environment
  - Reduce greenhouse gas emissions through methods other than renewable energy generation and energy efficiency, such as electricity generated from nuclear sources
  - Reduce or eliminate the creation of waste materials; collect, reuse, remanufacture, recycle, or compost waste materials or wastewater
4. Natural Resources Conservation
  - Products and services that conserve natural resources. Included in this group are products and services related to organic agriculture and sustainable forestry; land management; soil, water, or wildlife conservation; and stormwater management
5. Environmental compliance, education and training, and public awareness. These are products and services that:
  - Enforce environmental regulations
  - Provide education and training related to green technologies and practices





## NY State Economic Development Power Allocation Board

ANDREW M. CUOMO  
Governor

**December 7, 2020**

### **Next Meeting**

The next meeting of the Board will be held via videoconference on Monday, January 25, 2021 at 10:00 a.m.