



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

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

#### ***PROPOSED AGENDA***

**Monday, December 6, 2021  
Videoconference – 10:00 a.m.**

- 1. Adoption of the December 6, 2021 Proposed Meeting Agenda**
- 2. Adoption of the Minutes of the Meeting of September 27, 2021**
- 3. Adoption of the 2022 Proposed Meeting Schedule**
- 4. Recharge New York Power Program – New, Extended and Modified Allocations**
- 5. Transfer of RNY Power Program Allocations**
- 6. Diversity, Equity, and Inclusion Evaluation and Incentive Plan**

#### **OTHER BUSINESS**

- 7. Next Meeting**



# NY State Economic Development Power Allocation Board

## ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

### MINUTES

September 27, 2021 – 9:00 a.m.

### Videoconference

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

The following Members of the Board were present:

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

**Also in attendance were:**

Keith Hayes	Senior Vice President, Clean Energy Solutions, NYPA
Karen Delince	Vice President & Corporate Secretary, NYPA
Lorna Johnson	Senior Associate Corporate Secretary, NYPA
Sheila Quatrocci	Associate Corporate Secretary, NYPA
Andrea "Kelli" Higgs	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 27, 2021 meeting was adopted.

2. **Approval of the Minutes**

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on July 26, 2021 were unanimously approved.

**3. Extension of the Economic Development Plan**

SUMMARY

The Economic Development Power Allocation Board (“EDPAB” or “Board”) is requested to approve an extension of the Economic Development Plan (“Plan”) covering the use of net revenues produced by the sale of Expansion Power (“EP”) to provide electric bill discounts in the form of an Industrial Incentive Award (“IIA”) to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state. With EDPAB’s approval, the term of the Plan would be extended from June 1, 2021 to May 31, 2022. If EDPAB approves the extension, the Trustees of the New York Power Authority (“Authority”) will be asked to extend the term of an IIA to Pratt Paper (NY), Inc. (“Pratt”) from June 1, 2021 through May 31, 2022 for the reasons discussed below.

BACKGROUND

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

IIAs are to be made in conformance with an economic development plan covering all such “net revenues.” The Authority submits a Plan to EDPAB, pursuant to Economic Development Law (“EDL”) §188, which also provides for EDPAB’s approval of the Plan upon its determination that such Plan is consistent with, among other things, the criteria and requirements provided for in EDL §§184 and 185 that are used to evaluate applications for certain power. A copy of EDL §§ 184 and 185 is attached as Exhibit “3-A.”

At its October 26, 2009 meeting, EDPAB approved an Economic Development Plan that allows the use of net revenues from the sale of EP for the calendar years 2008 through and including 2016 to provide electric bill discounts to manufacturing companies located in New York State that are at identifiable risks of closing or relocating to another state.

At its May 21, 2013 meeting, the Authority’s Board of Trustees (“Trustees”) authorized an IIA to Pratt upon determining that Pratt had demonstrated it met the qualifying criteria for an IIA and after careful consideration of Pratt’s business case. The Trustees approved an annual amount of up to \$1 million per year for up to five (5) years.

At its September 27, 2016 meeting, the Trustees approved an extension of the Plan to May 31, 2018 and also authorized submission of such Plan to EDPAB to request its approval of the modified Plan to cover the remainder of the five year term of the IIA to Pratt. At its December 12, 2016 meeting, EDPAB approved the extension of the Plan that allows the use of net revenues from the sale of EP to May 31, 2018. At its December 10, 2018 meeting EDPAB approved the extension of the Plan that allows the use of net revenues from the sale of EP to May 31, 2019.

At their March 26, 2019 meeting, the NYPA Trustees (1) approved an extension, from June 1, 2019 to May 31, 2020, of the Plan covering the use of net revenues produced by the sale of EP to provide electric bill discounts in the form of an IIAs to manufacturing companies located in New York State that are at risk of closure or relocation to another state; (2) authorized submission to EDPAB of a request to approve an extension, from June 1, 2019 to May 31, 2020, of the Plan; and (3) approved a one year extension, from June 1, 2019 to May 31, 2020, of the term of the IIA previously awarded to Pratt in the amount of up to \$1 million in connection with its Staten Island operations, contingent upon EDPAB’s extension of the Plan.

At its meeting on September 24, 2019, EDPAB approved an extension of the Plan to provide electric bill discounts in the form of an IIA to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state from June 1, 2019 to May 31, 2020.

At its meeting on July 27, 2020, EDPAB approved an additional extension of the Plan to provide electric bill discounts in the form of an IIA to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state from June 1, 2020 to May 31, 2021.

Pratt operates a paper mill, a corrugated box factory and a sorting facility in Staten Island within Consolidated Edison's service territory. Manufacturing processes represent a substantial portion of Pratt's total electricity consumption; energy costs are a primary consideration for the economic viability of the plant. Pratt's IIA, in the form of a cents per kWh price discount applied to a level of annual electric consumption, was approved subject to, among other appropriate terms and conditions:

- Reevaluation and reduction should Pratt's electric rates decline during the term of the IIA.
- The availability of EP net revenue funding for IIAs, which is in NYPA's sole discretion.
- Appropriate determination(s) by the Trustees that the funding of IIAs in any fiscal year will not have a significant impact on the Authority's finances.
- Approval of an extension of the Plan by EDPAB beyond 2020 to the extent that an IIA to Pratt would extend beyond such year.
- A reduction in the amount of the IIA if Pratt does not meet agreed-upon job commitments (256 full-time employees) at the Staten Island facility.
- An agreement providing for the IIA and which address these and other appropriate terms and conditions in a form satisfactory to the Authority.

The Authority executed an agreement with Pratt ("Agreement") providing for the terms and conditions applicable to the Pratt IIA. The Agreement provided for an initial 1-year term for the IIA and an extension of the IIA for 4 subsequent 1-year terms at the Authority's discretion subject to conditions specified in the Agreement. The Authority subsequently executed an agreement with Pratt ("Amending Agreement") which provided for an additional 1-year extension of the IIA. In accordance with the Agreement, as amended, Pratt received \$1 million for the extension and has received \$8 million in total for the IIA including extensions of the term of the award.

At the completion of the extended term, a compliance review and due diligence was performed on the terms and conditions of the Agreement. Pratt has been compliant for each annual term, most recently employing an average of 281 persons at its facility during the sixth annual term ending May 31, 2020. Due to the pandemic, compliance was suspended the last reporting year.

## DISCUSSION

As the end of the eighth year of the extended IIA approached, Pratt requested an extension of the IIA. Upon review of Pratt's current business case, staff determined that Pratt continues to meet the IIA requirements of being a manufacturing company at risk of closing or curtailing operations and continues to be negatively impacted by high electricity costs within Consolidated Edison service territory which, according to Pratt, threatens the economic viability of operations at its Staten Island facility.

Pratt also indicates it is anticipating electricity delivery price increases in the near term based upon review of the existing utility tariff. The company also cited both higher utility taxes and a recent rate case filing for significant increases in delivery costs of natural gas as making the Staten Island plant less competitive than its facilities in other states, further jeopardizing its successful operations in New York. Pratt indicates that additional expenses, including those related to compliance with a new requirement imposed by New York City relating to wastewater pre-treatment, are expected to further increase operating costs at the Staten Island facilities.

An extension of the IIA would support Pratt's ability to maintain its committed employment level of 256 jobs at its facility. NYPA and Pratt reached agreement on an offer to extend the IIA contingent upon necessary Trustee and EDPAB approvals.

Accordingly, staff recommends that EDPAB approve the extension of the Plan to May 31, 2022.

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB: (1) determine that the extended Plan and its implementation are consistent with the criteria and requirements provided for in EDL §§ 184 and 185 (see "Exhibit 3-A"); and (2) approve an extension to May 31, 2022 of the Plan covering the use of net revenues produced by the sale of Expansion Power to provide electric bill discounts in the form of IIAs to manufacturing companies located in New York State that are at identifiable risks of closure or relocation to another state.

**Chair Nicandri invited Mr. Keith Hayes, Senior Vice President of Clean Energy Solutions to discuss the extension of the Economic Development Plan.**

Mr. Hayes said staff is requesting that EDPAB recommend that the Authority's Trustees approve the extension of the Economic Development Plan, substantially in the form presented, for the reasons stated above.

Upon motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the extension of the Economic Development Plan, as recommended by staff, was approved by the Board.

**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 6, 2021.

**Closing**

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

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

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

- (a) the number of new jobs created as a result of an economic development power allocation;
- (b) the applicant's long-term commitment to New York state, as evidenced by the applicant's current and/or planned capital investment in business facilities in New York state;
- (c) the ratio of the number of jobs to be created to the amount of economic development power requested by the applicant;
- (d) the types of jobs created, as measured by wage and benefit levels, security and stability of employment;
- (e) the type and cost of buildings, equipment and facilities to be constructed, enlarged or installed;
- (f) the extent to which economic development power will affect the overall productivity or competitiveness of the applicant's business and its existing employment within the state;
- (g) the extent to which an allocation of economic development power may result in a competitive disadvantage for other businesses in the state;
- (h) the general economic conditions and economic distress in the area in which the applicant's business facility would be located and the extent to which economic development power could contribute to the alleviation of such distress;
- (i) the growth potential of the business facility and the contribution of economic strength to the area in which the business facility is or would be located;
- (j) the extent of the applicant's willingness to make jobs available to persons defined as eligible for services under the federal job training partnership act of nineteen hundred eighty-two and the extent of the applicant's willingness to satisfy affirmative action goals;
- (k) the extent to which an allocation of economic development power is consistent with state, regional and local economic development strategies and priorities and supported by local units of government in the area in which the business is located; and
- (l) the impact of the allocation on the operation of any other facilities of the applicant, on other businesses within the state, and upon other electric ratepayers.

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

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

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

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

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

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

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

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

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

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

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



## NY State Economic Development Power Allocation Board

**Date:** December 6, 2021  
**To:** Economic Development Power Allocation Board  
**From:** Vice President & Corporate Secretary  
**Subject:** Proposed Schedule of EDPAB Meetings in 2022

The following schedule of meetings for the year 2022 is recommended:

<u>Date</u>	<u>Time</u>
January 24, 2022	10:00 a.m.
March 28, 2022	10:00 a.m.
May 23, 2022	9:00 a.m.
July 25, 2022	9:00 a.m.
September 28, 2022	9:00 a.m.
December 12, 2022	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 2022, 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

**Date:** December 6, 2021  
**To:** Economic Development Power Allocation Board  
**From:** Senior Vice President, Clean Energy Solutions  
**Subject:** Recharge New York Power – New, Extended and Modified Allocations

### SUMMARY

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

- (a) recommend that the New York Power Authority (“Authority” or “NYPA”) Trustees (“Trustees”) extend each of the 17 allocations of Recharge New York (“RNY”) Power (“Allocation” or collectively “Allocations”) awarded to the businesses listed in Exhibit “A” for a term of 7 years. The term would commence on the expiration of each such existing Allocation, or in the Authority’s discretion, on a date to be agreed upon by the parties, for a term not to exceed 7 years (collectively, the “Extended Term”), subject to the following conditions:
  - i. A customer whose Allocation would be extended would have to agree to provide supplemental commitments for, among other things, jobs and capital investments, as it has in its current RNY Power agreement(s) with the Authority (collectively, “Current RNY Power Agreement”) for the length of any Extended Term, through the incorporation of such supplemental commitments in the proposed final contract that is executed by the parties. With respect to capital investments, the vast majority of RNY Power customers (i.e., those who do not have project/expansion capital investment commitments) would be expected to meet a minimum capital investment commitment.
  - ii. Unless otherwise noted, each of the customers identified in Exhibit “A” is in compliance with its contractual obligations to the Authority under its Current RNY Power Agreement;
- (b) recommend that the Trustees approve modifications related to the previously approved RNY Power allocation extension and/or supplemental commitments 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) determine that the applicants listed in Exhibit “F” are not eligible to receive an RNY Power allocation; and
- (g) terminate the application review process for the applicants listed in Exhibit “G”.

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

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

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

## BACKGROUND

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

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

State's efforts to generate sustainable economic growth and employment opportunities. All applications that are considered for an RNY Power allocation are submitted through the CFA process.

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

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

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

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

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

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

RNY Power allocation extensions have been awarded by the Trustees on twelve prior occasions spanning from October 2018 through July 2021. These recommendations pertain to existing RNY Power customers receiving an Extended Term of 7 years.

RNY Power allocations pertaining to new applicants have been awarded by the Trustees on thirty-two prior occasions spanning from April 2012 through July 2021. Currently, approximately 20.4 MW of RNY Power remains unallocated. This figure reflects Trustee actions taken on RNY Power applications prior to any actions that EDPAB recommends today. If today's recommendations by EDPAB are approved by the Trustees, it is anticipated that approximately 2 MW of RNY Power will remain unallocated.

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

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

Staff has concluded that the businesses listed on Exhibit "A", which are located throughout the State, continue to bring valuable benefits to the State. In total, the Allocations listed in Exhibit "A" are supporting the retention of more than 4,100 jobs and \$83 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. Modifications to Existing Extension Allocations and/or Related Supplemental Commitments

Staff recommends that EDPAB recommend to the NYPA Trustees that the modifications relating to the previously approved RNY Power allocation extension listed in Exhibit “B” be approved for Sorrento Lactalis, Inc. This company was previously approved for a retention-based RNY Power allocation extension in the amount of 660 kW for its Buffalo facility. The associated commitments are 550 retained jobs and \$12 million in capital spending. Since the extension approval in October 2018, the customer has experienced load growth, has added jobs, and is planning capital investments beyond its original commitment. For this reason, the customer has applied for additional retention-based RNY Power.

Staff has reviewed this request and is recommending that EDPAB recommend to the NYPA Trustees that the company’s retention-based RNY Power allocation extension be modified from 660 kW to 1,120 kW, that the company’s job retention commitment be modified from 550 jobs to 582 jobs, and that the company’s capital investment commitment be modified from \$12 million to \$23 million as reflected in Exhibit “B”.

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

### 3. Retention-Based RNY Power Allocations

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

### 4. Expansion-Based RNY Power Allocations

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

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

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

### 6. Applicants Not Eligible

Staff recommends that the Board determine that the applicants listed in Exhibit “F” are not eligible to receive an RNY Power allocation for the reasons listed in Exhibit “F”.

#### 7. Termination of Application Review Process

Staff recommends that the Board terminate the application review process for the applicants listed in Exhibit “G” for the reasons listed in Exhibit “G”. In the past, some applicants in these circumstances have refiled if able to advance a more complete RNY Power application.

#### RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing 17 Allocations of RNY Power listed in Exhibit “A” be extended for a term of 7 years as described above, to commence on the expiration of such Allocation, or at the Authority’s discretion on a date to be agreed upon by the parties for a term not to exceed 7 years;
- (2) Recommend to the NYPA Trustees that, in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of the Allocations recommended herein, such terms and conditions include:
  - (a) provisions for effective periodic audits of the customer whose Allocation is extended for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an Extended Allocation if the business fails to maintain mutually agreed upon commitments, including those relating to employment levels, capital investments, power usage and energy efficiency measures;
  - (b) a requirement that the customer whose Allocation is extended undertake at its own expense energy audit of its facilities at which the Extended Allocation is consumed at least once during the term of the allocation absence good cause, and provide the Authority with a copy of any such audit or, at the Authority’s option, a report describing the results of such audit, and provide documentation requested by the authority relating to the implementation of any efficiency measures at the facilities;
  - (c) an agreement by the customer whose Allocation is extended to make its facilities available for energy audits and related assessments that the authority desires to perform, if any, and provide information requested by the Authority or its designee in surveys, questionnaires and other information requests relating to energy efficiency and energy-related projects, programs and services; and
  - (d) an agreement by the customer whose Allocation is extended that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly;
- (3) Recommend that the NYPA Trustees approve the modifications related to the RNY Power allocation extension and/or supplemental commitments described in Exhibit “B” for the reasons discussed above and in Exhibit “B”;
- (4) Recommend that the NYPA Trustees award the new allocations of RNY Power for retention purposes to the businesses listed in Exhibit “C” as indicated therein;
- (5) Recommend that the NYPA Trustees award the new allocations of RNY Power for expansion purposes to the businesses listed in Exhibit “D” as indicated therein;

- (6) Recommend that the NYPA Trustees award the new allocations of RNY Power for the small business and/or not-for-profit applicants identified in Exhibit "E" for retention and expansion purposes as indicated therein;
- (7) Determine that the applicants listed in Exhibit "F" are not eligible to receive an RNY Power allocation for the reasons listed in Exhibit "F"; and
- (8) Terminate the application review process for the applicants listed in Exhibit "G" for the reasons listed in Exhibit "G".

Keith T. Hayes  
Senior Vice President, Clean Energy Solutions

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

## **RESOLUTION**

RESOLVED, That the Economic Development Power Allocation Board (“Board”) recommends that the Board of Trustees (“Trustees”) of the Power Authority of the State of New York (“Authority”) extend each of the existing 17 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 modifications/adjustments to the RNY Power allocation extension and/or supplemental commitments described in Exhibit "B" for the reasons indicated in the Memorandum and Exhibit "B"; 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 "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 expansion purposes to the applicants listed in Exhibit "D" 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 "E" in the amounts indicated therein; and be it further

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

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

**Retention-Based Allocations**

Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Job Commitments	Capital Investment Commitment (\$)		Contract Term (Years)
1	Dot Foods, Inc.	Liverpool	Onondaga	Central New York	NGRID	Foodservice redistribution center	320	320	250	\$500,000		7
2	John Mezzalingua Associates, LLC	Liverpool	Onondaga	Central New York	NGRID	Manufacturer of wireless communication solutions	696	696	150	\$20,000,000	(2)	7
3	Southern Glazer's Wine and Spirits of Upstate New York, LLC	Syracuse	Onondaga	Central New York	NGRID	Distribution facility for wine & spirits	50	50	610	\$3,000,000		7
	<b>Central New York Region Sub-totals:</b>						<b>1,066</b>	<b>1,066</b>	<b>1,010</b>	<b>\$23,500,000</b>		
4	Ferro Corporation	Penn Yan	Yates	Finger Lakes	NYSEG	Manufacturer of color pigments	1,536	1,536	136	\$2,000,000		7
5	Hammer Packaging Corp.	West Henrietta	Monroe	Finger Lakes	RGE	Manufacturer of printed labels	1,060	1,060	185	\$5,000,000		7
6	RED-Rochester, LLC	Rochester	Monroe	Finger Lakes	RGE	Industrial business park	2,000	2,000	70	\$12,000,000		7
7	Thermo Fisher Scientific Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of life sciences products	1,750	1,750	1,000	\$30,000,000		7
	<b>Finger Lakes Region Sub-totals:</b>						<b>6,346</b>	<b>6,346</b>	<b>1,391</b>	<b>\$49,000,000</b>		
8	DRI Relays Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of hermetically sealed relays	266	266	75	\$750,000	(1)	7
9	Food Authority Inc.	Hauppauge	Suffolk	Long Island	LIPA	Full-service wholesale food distributor	150	150	85	\$4,000,000	(1)	7
10	Haig Press, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Commercial printing services	220	220	38	\$150,000	(1)	7
11	RSM Electron Power, Inc.	Deer Park	Suffolk	Long Island	LIPA	Manufacturer of semiconductor products	246	246	68	\$250,000		7
	<b>Long Island Region Sub-totals:</b>						<b>882</b>	<b>882</b>	<b>266</b>	<b>\$5,150,000</b>		
12	The Gap, Inc.	Fishkill	Dutchess	Mid-Hudson	CHUD	Distribution center for apparel products	2,480	2,480	908	\$625,000	(2)	7
	<b>Mid-Hudson Region Sub-totals:</b>						<b>2,480</b>	<b>2,480</b>	<b>908</b>	<b>\$625,000</b>		
13	Confer Plastics, Inc.	North Tonawanda	Niagara	Western New York	NGRID	Manufacturer of pool ladders & steps	420	420	175	\$1,500,000		7
14	Dunkirk Metal Products of WNY, LLC	Dunkirk	Chautauqua	Western New York	NGRID	Precision sheet metal fabrication & stamping	40	40	32	\$500,000		7

**Retention-Based Allocations**

Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Job Commitments	Capital Investment Commitment (\$)	Contract Term (Years)
15	FeedMore WNY Foundation, Inc.	Buffalo	Erie	Western New York	NGRID	Provides meals to individuals in need	86	86	223	\$825,000	7
16	JJP Contract Packaging, Inc.	Buffalo	Erie	Western New York	NGRID	Packaging solutions for chemical products	76	76	54	\$1,000,000	7
17	SolEpoxy Inc.	Olean	Cattaraugus	Western New York	NGRID	Manufacturer of thermoset epoxy compounds	780	780	70	\$1,250,000	7
<b>Western New York Region Sub-totals:</b>							<b>1,402</b>	<b>1,402</b>	<b>554</b>	<b>\$5,075,000</b>	

**Totals**

<b>12,176</b>	<b>12,176</b>	<b>4,129</b>	<b>\$83,350,000</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.
- (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**

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

**Exhibit "B"**

**December 6, 2021**

**Retention-Based Allocations**

<b>Line</b>	<b>Company</b>	<b>City</b>	<b>County</b>	<b>Economic Development Region</b>	<b>IOU</b>	<b>Description</b>	<b>Recommended kW Amount</b>	<b>Final Job Commitments</b>	<b>Final Capital Investment Commitment (\$)</b>	<b>Contract Term (years)</b>
1	Sorrento Lactalis, Inc.	Buffalo	Erie	Western New York	NGRID	Manufacturer of cheese products	1,120 <sup>(1)</sup>	582	\$23,000,000	7

- (1) Represents modified recommended kW, job commitment, and capital investment commitment. The customer was previously approved for a retention-based RNY Power allocation extension in the amount of 660 kW with commitments of 550 retained jobs and \$12 million in capital spending. Due to load growth, and additional job and capital investment commitments, the customer is being recommended for extension-related modifications to 1,120 kW, 582 retained jobs committed, and \$23 million in capital spending. The revisions will be implemented accordingly in the customer's power contract.

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

Exhibit "C"  
December 6, 2021

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)	Contract Term (Years)
1	Regeneron Pharmaceuticals, Inc.	Sleepy Hollow	Westchester	Mid-Hudson	CONED	Pharmaceutical research & development	753	376	500	0	\$5,000,000	7
	<b>Mid-Hudson Region Sub-totals:</b>							<b>376</b>	<b>500</b>	<b>0</b>	<b>\$5,000,000</b>	
2	B & B Lumber Company Inc.	McConnellsville	Oneida	Mohawk Valley	NGRID	Manufacturer of lumber products	661	330	22	0	\$7,550,000	(1) 7
	<b>Mohawk Valley Region Sub-totals:</b>							<b>330</b>	<b>22</b>	<b>0</b>	<b>\$7,550,000</b>	
3	United Precious Metal Refining, Inc.	Alden	Erie	Western New York	NYSEG	Precious metal refining services	833	416	88	0	\$1,500,000	7
	<b>Western New York Region Sub-totals:</b>							<b>416</b>	<b>88</b>	<b>0</b>	<b>\$1,500,000</b>	
<b>Totals</b>								<b>1,122</b>	<b>610</b>	<b>0</b>	<b>\$14,050,000</b>	

(1) This company is also recommended for an expansion-related allocation of RNY for separate and distinct job creation and capital investment commitments associated with the proposed business expansion.

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

Exhibit "D"  
 December 6, 2021

Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation <sup>(1)</sup>	Base Employment <sup>(2)</sup>	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (Years)
1	Saratoga Biochar Solutions LLC	South Glens Falls	Saratoga	Capital District	NGRID	Conversion of waste into fertilizer	1,534	1,300	0	13	\$12,030,000	7
	<b>Capital District Region Sub-totals:</b>											
								<b>1,300</b>	<b>0</b>	<b>13</b>	<b>\$12,030,000</b>	
2	Greenway Products and Services, LLC	Farmingdale	Nassau	Long Island	LIPA	Manufacturer of pallet products	500	350	0	40	\$5,000,000	7
3	Sysco Long Island, LLC	Central Islip	Suffolk	Long Island	LIPA	Food service distributor	430	300	228	3	\$250,000	(3) 7
	<b>Long Island Region Sub-totals:</b>											
								<b>650</b>	<b>0</b>	<b>43</b>	<b>\$5,250,000</b>	
4	Cafe Spice, LLC	Beacon	Dutchess	Mid-Hudson	CHUD	Manufacturer & distributor of prepared meals	1,740	1,216	0	127	\$10,000,000	7
5	The Gap, Inc.	Fishkill	Dutchess	Mid-Hudson	CHUD	Distribution center for apparel products	108	76	908	150	\$65,000,000	(3), (6) 7
	<b>Mid-Hudson Region Sub-totals:</b>											
								<b>1,292</b>	<b>379</b>	<b>277</b>	<b>\$75,000,000</b>	
6	B & B Lumber Company Inc.	McConnellsville	Oneida	Mohawk Valley	NGRID	Manufacturer of lumber products	100	70	22	5	\$3,620,000	(4) 7
	<b>Mohawk Valley Region Sub-totals:</b>											
								<b>70</b>	<b>0</b>	<b>5</b>	<b>\$3,620,000</b>	
7	BT STNY, LLC	Binghamton	Broome	Southern Tier	NYSEG	Healthcare linen processing facility	450	316	50	30	\$21,193,644	(5) 7
	<b>Southern Tier Region Sub-totals:</b>											
								<b>316</b>	<b>50</b>	<b>30</b>	<b>\$21,193,644</b>	
8	Calspan Corporation	Buffalo	Erie	Western New York	NGRID	Automobile & aircraft safety testing	831	580	15	15	\$13,500,000	7
	<b>Western New York Region Sub-totals:</b>											
								<b>580</b>	<b>15</b>	<b>15</b>	<b>\$13,500,000</b>	

**Totals**

<b>4,208</b>	<b>444</b>	<b>383</b>	<b>\$130,593,644</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
- (2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.
- (3) These applicants were previously approved for an RNY Power allocation. The base employment level refers to the applicant's current retained jobs, most or all of which are already associated with an existing power allocation.
- (4) 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.
- (5) The applicant's expansion-based allocation recommendation will contain a base employment level to accommodate existing employees relocating to the expansion project site.
- (6) 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	Pallidus, Inc.	Albany	Albany	Capital District	NGRID	Manufacturer of silicon carbide wafers	203	130	15	0	\$5,500,000	(1)	7
	<b>Capital District Region Sub-totals:</b>												
								<b>130</b>	<b>15</b>	<b>0</b>	<b>\$5,500,000</b>		
2	Alkemy Machine, LLC	Rochester	Monroe	Finger Lakes	RGE	Sheet metal fabrication & machining services	196	96	43	0	\$2,500,000	(1)	7
3	Clifton Springs Hospital & Clinic	Clifton Springs	Ontario	Finger Lakes	NYSEG	Hospital & healthcare services	1,052	350	451	0	\$25,000,000		7
4	Lynn-Ette & Sons, Inc.	Kent	Orleans	Finger Lakes	NGRID	Vegetable farm	114	56	90	0	\$9,800,000	(1), (5)	7
5	McQuillen Manufacturing LLC	Honeoye Falls	Monroe	Finger Lakes	NGRID	Precision machining & assembly services	213	106	8	2	\$50,000		7
6	Newark-Wayne Community Hospital	Newark	Wayne	Finger Lakes	NYSEG	Hospital & healthcare services	1,934	640	695	0	\$25,000,000	(5)	7
7	The Rochester General Hospital	Rochester	Monroe	Finger Lakes	RGE	Hospital & healthcare services	8,256	2,750	5,456	0	\$221,000,000	(5)	7
8	The Unity Hospital of Rochester	Rochester	Monroe	Finger Lakes	RGE	Hospital & healthcare services	4,232	1,410	2,404	0	\$72,500,000	(5)	7
9	United Memorial Medical Center	Batavia	Genesee	Finger Lakes	NGRID	Hospital & healthcare services	907	300	490	0	\$25,000,000	(5)	7
	<b>Finger Lakes Region Sub-totals:</b>												
								<b>5,708</b>	<b>9,637</b>	<b>2</b>	<b>\$380,850,000</b>		
10	Cafe Spice, LLC	New Windsor	Orange	Mid-Hudson	CHUD	Manufacturer & distributor of prepared meals	297	146	118	0	\$750,000		7
	<b>Mid-Hudson Region Sub-totals:</b>												
								<b>146</b>	<b>118</b>	<b>0</b>	<b>\$750,000</b>		
11	The Trustees of Columbia University in the City of New York	New York	New York	New York City	CONED	Academic medical center	11,329	3,776	10,520	0	\$25,000,000	(5)	7
12	The Museum of Modern Art	New York	New York	New York City	CONED	Art museum & cultural institution	3,017	1,006	670	0	\$17,925,000	(5)	7
	<b>New York City Region Sub-totals:</b>												
								<b>4,782</b>	<b>11,190</b>	<b>0</b>	<b>\$42,925,000</b>		
13	CSI Sands (N.E.) Ltd.	Buffalo	Erie	Western New York	NGRID	Sand storage & sorting facility	287	140	25	0	\$250,000	(1)	7
	<b>Western New York Region Sub-totals:</b>												
								<b>140</b>	<b>25</b>	<b>0</b>	<b>\$250,000</b>		

**Retention-Based Totals**

<b>10,906</b>	<b>20,985</b>	<b>2</b>	<b>\$430,275,000</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 (\$)	(1), (3)	Contract Term (years)
14	Pallidus, Inc.	Albany	Albany	Capital District	NGRID	Manufacturer of silicon carbide wafers	1,785	1,160	15	70	\$40,000,000	(1), (3)	7
	<b>Capital District Region Sub-totals:</b>							<b>1,160</b>	<b>0</b>	<b>70</b>	<b>\$40,000,000</b>		
15	Punch and Die Metal Fabrication LLC	Syracuse	Onondaga	Central New York	NGRID	Sheet metal fabrication services	50	26	5	10	\$840,000		7
	<b>Central New York Region Sub-totals:</b>							<b>26</b>	<b>5</b>	<b>10</b>	<b>\$840,000</b>		
16	Alkemy Machine, LLC	Rochester	Monroe	Finger Lakes	RGE	Sheet metal fabrication & machining services	88	40	43	20	\$4,000,000	(1), (3)	7
17	Burly Brothers Land and Cattle Company L.L.C.	Attica	Wyoming	Finger Lakes	NGRID	Meat processing facility	100	50	0	5	\$1,453,000		7
18	Lynn-Ette & Sons, Inc.	Kent	Orleans	Finger Lakes	NGRID	Vegetable farm	150	76	90	7	\$742,000	(1), (3)	7
	<b>Finger Lakes Region Sub-totals:</b>							<b>166</b>	<b>0</b>	<b>32</b>	<b>\$6,195,000</b>		
19	Allstate Apple Exchange, Inc.	Milton	Ulster	Mid-Hudson	CHUD	Apple farm & orchard	100	50	50	3	\$500,000	(4)	7
20	Radio Catskill, Inc.	Liberty	Sullivan	Mid-Hudson	NYSEG	Public radio station	30	10	3	3	\$500,000		7
	<b>Mid-Hudson Region Sub-totals:</b>							<b>60</b>	<b>33</b>	<b>6</b>	<b>\$1,000,000</b>		
21	Next Generation Creamery	Henderson	Jefferson	North Country	NGRID	Production of milk & dairy products	45	20	5	5	\$480,400		7
22	McRez Packing International (MPI) LLC	Lyons Falls	Lewis	North Country	NGRID	Meat processing facility	125	60	0	40	\$1,300,000		
	<b>North Country Region Sub-totals:</b>							<b>80</b>	<b>5</b>	<b>45</b>	<b>\$1,780,400</b>		
23	CSI Sands (N.E.) Ltd.	Buffalo	Erie	Western New York	NGRID	Sand storage & sorting facility	300	150	25	12	\$4,400,000	(1), (3)	7
	<b>Western New York Region Sub-totals:</b>							<b>150</b>	<b>0</b>	<b>12</b>	<b>\$4,400,000</b>		

**Expansion-Based Totals**

<b>1,642</b>	<b>43</b>	<b>175</b>	<b>\$54,215,400</b>
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**Retention & Expansion-Based Totals**

<b>12,548</b>	<b>21,028</b>	<b>177</b>	<b>\$484,490,400</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.
- (4) The applicant was previously approved for an RNY Power allocation. The base employment level refers to the applicant's current retained jobs, some of which are already associated with an existing power allocation.
- (5) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.

**Economic Development Power Allocation Board  
 ReCharge New York Power Program  
 Applicants Not Eligible**

**Exhibit "F"  
 December 6, 2021**

<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	Bella Bella Market Corp.	Brooklyn	Kings	New York City	CONED	Convenience store	The applicant's business falls within EDPAB's definition of a retail business. Specifically, the applicant operates a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services.
2	Serendipity Coffee Inc.	Brooklyn	Kings	New York City	CONED	Coffee shop	The applicant's business falls within EDPAB's definition of a retail business. Specifically, the applicant operates a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services.

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

**Exhibit "G"  
 December 6, 2021**

<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	Access to the Arts	Dunkirk	Chautauqua	Western New York	NGRID	Art gallery & cultural institution	Applicant submitted an incomplete application.
2	Pure International Ministries, Inc	New York	New York	New York City	CONED	Community advocacy for the underserved	Applicant submitted an incomplete application.
3	The Majora Carter Group LLC	Bronx	Bronx	New York City	CONED	Real estate development & consulting	Applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
4	Westchester Multicultural Chamber of Commerce, Inc.	New Rochelle	Westchester	Mid-Hudson	CONED	Community development organization	Applicant submitted an incomplete application.

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



## NY State Economic Development Power Allocation Board

**Date:** December 6, 2021  
**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 140 kilowatt (“kW”) RNY Power allocation, a 136 kW RNY Power allocation, and a pending 276 kW RNY Power allocation, awarded to Crown I Enterprises Inc. (“Crown”), for use at its 85 & 87 Saxon Avenue, Bay Shore, New York facilities, to Sysco Long Island, LLC (“SLI”), to address organizational changes.
2. Transfer of a 1,600 kW RNY Power allocation awarded to International Paper Company (“IP”), for use at its 568 Shore-Airport Road, Ticonderoga, New York facilities, to Sylvamo North America, LLC (“SNA”), to address organizational changes.
3. Transfer of a 90 kW and a 130 kW RNY Power allocation awarded to Prevest Car (US) Inc. (“Prevest”) for use at its facility located at 260 Banker Road, Plattsburgh, New York to Nova Bus (US) Inc. (“Nova”), 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) Crown I Enterprises Inc.

Crown was awarded 140 kW, 136 kW and 276 kW RNY Power allocations for use at its facilities at 85 & 87 Saxon Avenue, Bay Shore. This facility manufactures food for the food services industry in New York.

On August 12, 2019 SLI purchased all of Crown’s stock, and in doing so, acquired Crown’s business operations.

Due to the sale of Crown's business operations to SLI, the companies have asked that the 140 kW RNY Power allocation, 136 kW RNY Power allocation, and 276 kW RNY Power allocations be transferred to SLI. The sale of the business has not resulted in changes to operations at the Bay Shore facility, and SLI has indicated that it will honor all commitments made by Crown under its RNY Power sale agreements with the Authority if the transfers are approved.

2) International Paper Company

IP was awarded a 1,600 kW RNY Power allocation for use at its facilities at 568 Shore-Airport Road, Ticonderoga, New York where it manufactures paper and paper products.

On October 1, 2021, IP spun-off its printing paper manufacturing business into a stand-alone company – Sylvamo Corporation – whose subsidiary, SNA, has the US business operations. SNA has continued operations at the same facility with the same employees and equipment as IP.

Both companies have asked that the 1,600 kW RNY Power allocation be transferred to SNA to support the ongoing business operations assumed by SNA. SNA has indicated it will honor all terms and commitments made by IP under IP's RNY Power sale agreement with the Authority.

3) Prevost Car (US) Inc.

Prevost was awarded 90 kW and 130 kW RNY Power allocations for use at its facilities at 260 Banker Road in Plattsburgh. Prevost has manufactured hybrid and all-electric transit buses for the North American market at this location.

Prevost is a subsidiary of Volvo Group and Nova Bus was a division of Prevost. On October 1<sup>st</sup> Nova became a separate legal and operating entity within Volvo Group and will assume responsibility for the business operations at 568 Shore-Airport Road.

Prevost and Nova have requested that the 90 kW and 130 kW RNY Power allocations be transferred from Prevost to Nova. Nova has indicated it will honor all commitments including employment, power utilization, and capital investment commitments associated with Prevost's 90 kW and 130 kW RNY Power allocations.

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 a 140 kilowatt (“kW”) Recharge New York (“RNY”) Power allocation, a 136 kW RNY Power allocation, and a pending 270 kW RNY Power allocation awarded to Crown I Enterprises Inc., for use at its facilities located at 85 & 87 Saxon Avenue, Bay Shore, New York to Sysco Long Island, LLC, for use at the same facilities, 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 the 1,600 kW RNY Power allocation awarded to International Paper Company for use at its facility at 568 Shore-Airport Road, Ticonderoga, New York, to Sylvamo North America, 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.

RESOLVED, That the transfer of 90 kW and a 130 kW RNY Power allocations awarded to Prevost Car (US) Inc., for use at its facility at 260 Banker Road, Plattsburgh, New York, to Nova Bus (US) Inc. 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

**Date:** December 6, 2021  
**To:** Economic Development Power Allocation Board  
**From:** Senior Vice President, Clean Energy Solutions  
**Subject:** Diversity, Equity, and Inclusion Evaluation and Incentive Plan

### SUMMARY

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

1. Recommend that the New York Power Authority (“Authority” or “NYPA”) Trustees (“Trustees”) consider positive diversity, equity, and inclusion (“DEI”) impacts when evaluating applications and making recommendations for allocations of power under the Recharge New York (“RNY”) program.
2. Recommend that the Trustees authorize the Authority, as part of the application evaluation process for the RNY Program, to provide for enhanced scoring for DEI commitments for qualifying applicants and projects as more particularly described below.
3. Recommend that the Trustees authorize the Authority to modify applications used for the RNY Program as staff determines to be appropriate to enable the Authority to collect relevant information from applicants related to DEI impacts.
4. Recommend that the Trustees authorize the Authority to apply the DEI evaluation and incentive plan prospectively to applications under the RNY Program for: (a) allocations to support new load (e.g., new projects and expansion projects); and (b) retention-based allocations for load that is not already served by the Authority.

### BACKGROUND

On April 14, 2011, the RNY Power Program was established in 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 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 resulting from an allocation (collectively, “Job Impact Criteria”). See PAL § 1005(13)(a); EDL § 188-a(c).

New York State energy and economic development policies have evolved since the enactment of these statutes and seek to encourage DEI for businesses and jobs in New York. For example, Chapter 735 of the Laws of 2019, as amended, established a 16-member Permanent Environmental Justice Advisory Group (“EJ Advisory Group”) consisting of representatives from environmental justice communities, the business community, environmental conservation offices and other stakeholder groups to adopt a model environmental justice policy for state agencies that engage in activities or operations that may have a significant effect on the environment, and to provide advice and recommendations to state entities on environmental justice policies. See Environmental Conservation Law (“ECL”) § 48-0105.

Earlier in 2019, the State enacted the New York State Climate Leadership and Community Protection Act (“CLCPA”). In passing the CLCPA, the Legislature found and declared, among other things:

7. Climate change especially heightens the vulnerability of disadvantaged communities, which bear environmental and socioeconomic burdens as well as legacies of racial and ethnic discrimination. Actions undertaken by New York state to mitigate greenhouse gas emissions should prioritize the safety and health of disadvantaged communities, control potential regressive impacts of future climate change mitigation and adaptation policies on these communities and prioritize the allocation of public investments in these areas.

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10. Ensuring career opportunities are created and shared geographically and demographically is necessary to ensure increased access to good jobs for marginalized communities while making the same neighborhoods more resilient. Climate change has a disproportionate impact on low-income people, women, and workers. It is in the interest of the state of New York to protect and promote the interests of these groups against the impacts of climate change and severe weather events and to advance our equity goals by ensuring quality employment opportunities in safe working environments.

The CLCPA also created a Climate Justice Working Group which, in consultation with state entities and the Advisory Group, is charged with establishing criteria to identify disadvantaged communities for the purposes of co-pollutant reductions, greenhouse gas emissions reductions, regulatory impact statements, and the allocation of investments. ECL § 75-0111.

The CLCPA also establishes goals for the investments of available and relevant programmatic resources by state entities in the areas of housing, workforce development, pollution reduction, low income energy assistance, energy, transportation and economic development.

The Authority's Vision2030 Strategic Plan provides that the Authority's strategic priorities will be supported by five foundational pillars, including "Diversity, Equity and Inclusion," which "encompasses an organization's mission, strategies and practices to support a diverse workplace, community and supply chain." Vision2030 also establishes a 10-point Diversity, Equity and Inclusion Plan.

Consistent with these policies and principles, the Board is requested to recommend that the Trustees authorize staff to undertake the following measures to implement the Authority's DEI evaluation and incentive plan:

1. Supplement the application evaluation criteria for the RNY Program to enable the Authority to consider DEI commitments based on the following criteria ("Qualifying Criteria"):
  - Applicant is a certified Minority and Women Owned Business Enterprise;
  - Applicant is a certified Service-Disabled Veteran Owned Business; and/or
  - Applicant's facility is or will be located in a disadvantaged community in New York State.
2. As part of the application evaluation process for the RNY Program, provide enhanced scoring credit based on consideration of the Qualifying Criteria in addition to the evaluation of RNY Program criteria.
3. Apply the DEI evaluation and incentive plan prospectively to applications under the RNY Program for: (a) allocations to support new load (e.g., new projects and expansion projects); and (b) retention-based allocations for load that is not already served by the Authority.
4. Make appropriate modifications to the applications and related process documents used for the RNY Program to enable the Authority to collect relevant information from applicants related to DEI.

If the Trustees authorize the Board's recommendation, staff will prepare the appropriate updates to the applications and the review and evaluation processes for the RNY Program for implementation effective prospectively starting with RNY Program allocations recommended after January 1, 2022.

Staff believes that the recommendations contained herein are appropriate and supportive of State and Authority policies aimed at supporting and encouraging DEI in New York, and will result in additional economic benefits for qualifying applicants and disadvantaged communities. The DEI evaluation and incentive plan is not intended to limit the Authority's evaluation of other pertinent considerations under Authority or State law, regulation or policy.

## RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

1. Recommend that the NYPA Trustees authorize the Authority to supplement the application evaluation criteria for the RNY Program to consider DEI commitments based on the following Qualifying Criteria:
  - Applicant is a certified Minority and Women Owned Business Enterprise;
  - Applicant is a certified Service-Disabled Veteran Owned Business; and/or
  - Applicant's facility is or will be located in a disadvantaged community in New York State.
2. Recommend that the NYPA Trustees authorize the Authority, as part of the application evaluation process for the RNY Program, provide enhanced scoring credit based on consideration of the Qualifying Criteria in addition to the evaluation of the RNY Program criteria.
3. Recommend that the NYPA Trustees authorize the Authority to apply the DEI evaluation and incentive plan prospectively to applications under the RNY Program for: (a) allocations to support new load (e.g., new projects and expansion projects); and (b) retention-based allocations for load that is not already served by the Authority.
4. Recommend that the NYPA Trustees authorize the Authority to make appropriate modifications to the applications and related process documents used for the RNY Program to enable the Authority to collect relevant information from applicants related to DEI.

Keith T. Hayes  
Senior Vice President, Clean Energy Solutions

## **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) supplement the application evaluation criteria for the Authority’s Recharge New York (“RNY”) Program to enable the Authority to consider diversity, equity, and inclusion (“DEI”) commitments based on the following criteria (“Qualifying Criteria”): applicant is a certified Minority and Women Owned Business Enterprise; applicant is a certified Service-Disabled Veteran Owned Business; and/or applicant’s facility is or will be located in a disadvantaged community in New York State; (2) provide enhanced scoring credit based on consideration of the Qualifying Criteria in addition to evaluation of RNY Program criteria; (3) apply the DEI evaluation and incentive plan prospectively to applications under the RNY Program for allocations to support new load and retention-based allocations for load that is not already served by the Authority; and (4) make appropriate modifications to the applications and related process documents used for the RNY Program to enable the Authority to collect relevant information from applicants related to DEI; and be it further

RESOLVED, That the Board further recommends that the Trustees authorize the foregoing diversity, equity, and inclusion evaluation and 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.



# NY State Economic Development Power Allocation Board

**December 6, 2021**

## **Next Meeting**

The next meeting of the Economic Development Power Allocation Board (EDPAB) will be on Monday, January 24, 2022 at 10:00 a.m.