



***ECONOMIC DEVELOPMENT POWER
ALLOCATION BOARD***

PROPOSED AGENDA

**Tuesday, September 17, 2024
Videoconference – 8:00 a.m.**

- 1. Adoption of the September 17, 2024 Proposed Meeting Agenda**
- 2. Adoption of the Minutes of the Meeting of July 30, 2024**
- 3. Transfer of RNY Power Allocations**
- 4. Extension of the Industrial Incentive Award to Pratt Paper (NY), Inc. and Economic Development Plan**

OTHER BUSINESS

- 5. Next Meeting**



ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES

July 30, 2024

Meeting Held Via Videoconference

Subject

Page No. Exhibits

Introduction	3	
1. Adoption of the July 30, 2024 Proposed Meeting Agenda	3	
2. Adoption of the Minutes of the Meeting of May 20, 2024	3	
3. Recharge New York Power- New, Extended and Modified Allocations	3	A-H
<u>OTHER BUSINESS</u>	14	
4. Next Meeting	14	
Closing	14	



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

A regular meeting of the Economic Development Power Allocation Board (“EDPAB”) was held via video conference, at approximately 7:45 a.m.

The following Members of the Board were present:

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

Also in attendance were:

Lori Alesio	Executive Vice President and General Counsel
Maribel Cruz-Brown	Senior Vice President – Customer Solutions, NYPA
Karen Delince	Vice President and Corporate Secretary, NYPA
Emily Alkiewicz	Director – Power Contracts & Tariffs, NYPA
Yale Brown	Senior Business Power Allocations & Compliance Analyst, NYPA
Elki Posillipo	Manager, Bus Power Allocations & Compliance
Sheila Quatrocci	Senior Associate Corporate Secretary, NYPA
Michele Stockwell	Senior Assistant – Corporate Secretary, NYPA

Introduction

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

1. Adoption of the July 30, 2024 Proposed Meeting Agenda

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the July 30, 2024 meeting was adopted.

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

2. Approval of the Minutes

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Minutes of the Meeting held on May 20, 2024 were unanimously approved.

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

"SUMMARY"

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

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

- (d) recommend that the Trustees award three new allocations of RNY Power available for “expansion” purposes to the businesses listed in Exhibit “D” in the amounts indicated therein;
- (e) recommend that the Trustees award thirteen 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 two applicants listed in Exhibit “F” are not eligible to receive an RNY Power allocation; and
- (g) terminate the application review process for the two applicants listed in Exhibit “G”.

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

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

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

BACKGROUND

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

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

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

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

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

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

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

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

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

RNY Power allocations pertaining to new applicants have been awarded by the Trustees on forty prior occasions spanning from April 2012 through March 2024. Currently, approximately 40 MW of RNY Power remains unallocated. This figure reflects actions taken by the Trustees on RNY Power applications prior to any actions that EDPAB recommends today. If today’s recommendations by EDPAB are approved by the Trustees, it is anticipated that approximately 36 MW of RNY Power would remain unallocated.

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

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

DISCUSSION

1. Extension of Existing Allocations

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

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

Staff has concluded that the businesses listed in Exhibit "A", which are located 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 580 jobs and \$22 million in capital investments throughout New York State. The Authority will require customers to commit to the same or substantially similar supplemental commitments for jobs and capital investments that are contained in Exhibit "A" for the Extended Term.

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

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

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

Cafe Spice, LLC ("Cafe Spice") was previously approved for retention-based and expansion-based RNY Power allocations at separate facilities located in New Windsor, New York (Orange County) and in Beacon, New York (Dutchess County). The company, which is a manufacturer and distributor of prepared meals, currently utilizes its retention-based RNY Power allocation of 146 kW at its New Windsor facility with supplemental commitments of 118 retained jobs and \$0.75 million in capital spending. The company was also awarded a 1,216 kW expansion-based RNY Power allocation for its Beacon site with supplemental commitments of 127 new jobs and \$10 million in capital spending. NYPA staff reviewed the company's recent request and determined that Cafe Spice has met the requirements to start utilizing a portion of its expansion-based RNY Power allocation at its Beacon facility. It was also determined that a consolidation of the company's allocations would be appropriate for Cafe Spice. A combined campus

allocation would provide the company with more flexibility with respect to combined job and capital spending commitments across its sites. The campus modification would further allow Cafe Spice to utilize a combined allocation at its Beacon and New Windsor facilities within one RNY Power contract. For these reasons, the Trustees are requested to approve a campus-based modification to reflect a combined RNY Power awarded amount of 1,362 kW with commitments of 245 total jobs (118 retained jobs and 127 new jobs) and \$10.75 million in capital spending.

HealthAlliance Hospital Broadway Campus (“HealthAlliance Broadway”) and HealthAlliance Hospital Mary’s Avenue Campus (“HealthAlliance Mary’s Avenue”) were previously approved for retention-based RNY Power allocations at separate facilities located in Kingston, New York (Ulster County). HealthAlliance Broadway’s RNY Power allocation has since been extended in the amount of 260 kW with current commitment levels of 164 retained jobs and more than \$42 million in capital spending. HealthAlliance Mary’s Avenue currently remains on its original RNY Power allocation in the amount of 306 KW with supplemental commitment levels of 400 retained jobs and \$15 million in capital spending. In recent discussions with the customer, it was determined that a consolidation of its allocations would be appropriate. A combined campus allocation would provide the customer with more flexibility with respect to combined job and capital spending commitments across its sites. The campus modification would further allow HealthAlliance Broadway and HealthAlliance Mary’s Avenue to utilize a combined allocation at its Kingston facilities within one RNY Power contract. In aggregate, the customer would be able to commit to 724 retained jobs for the modification across both sites. For these reasons, the Trustees are requested to approve a campus-based modification to reflect a combined RNY Power awarded amount of 566 kW with commitments of 724 retained jobs and more than \$57 million in capital spending.

Rising Sun Woodworking, Inc. (“Rising Sun”) was previously approved for a retention-based RNY Power allocation extension in the amount of 20 kW with commitments of 21 retained jobs and \$0.4 million in capital spending. The company, which provides custom cabinetry and millwork services, currently utilizes the allocation at its facility in Cutchogue, New York (Suffolk County). In recent discussions with the customer, it was determined that Rising Sun has experienced load growth giving rise to its request for additional RNY Power. The company has also experienced employment growth, allowing it to increase its original commitment of 18 jobs to its present commitment of 21 jobs. For these reasons, the Trustees are requested to approve a modification increasing the allocation extension to Rising Sun by 10 kW to 30 kW. The proposed modification would not result in any changes to the current extension-related job and capital investment commitments (21 retained jobs and \$0.4 million in capital spending).

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

3. Retention-Based RNY Power Allocations

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

4. Expansion-Based RNY Power Allocations

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

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

Staff recommends that EDPAB recommend to the NYPA Trustees that the small business and/or not-for-profit applicants listed in Exhibit “E” be awarded 13 RNY Power allocations in the amounts indicated therein each for a seven-year term. The applicants have committed to retain and/or create jobs in New York State and make capital investments in exchange for the recommended RNY Power allocations as described in Exhibit “E”. The contracts for these allocations would also contain the provisions summarized above.

6. Applicants Not Eligible

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

7. Termination of Application Review Process

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

FISCAL INFORMATION

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

RECOMMENDATION

For the reasons stated above, staff recommends that EDPAB:

- (1) Recommend to the NYPA Trustees that each of the existing seven Allocations of RNY Power listed in Exhibit “A” be extended for a term of seven years as described above, to commence on the expiration of such Allocation, or at the Authority’s discretion on a date to be agreed upon by the parties for a term not to exceed seven years;
- (2) Recommend to the NYPA Trustees that, in addition to any other terms and conditions that the Authority determines in its discretion to be appropriate for the sale of the Allocations recommended herein, such terms and conditions include:
 - (a) provisions for effective periodic audits of the customer whose Allocation is extended for the purpose of determining contract and program compliance, and for the partial or complete withdrawal of an Extended Allocation if the business fails to maintain mutually agreed upon commitments, including those relating to employment levels, capital investments, power usage and energy efficiency measures;
 - (b) a requirement that the customer whose Allocation is extended undertake at its own expense energy audit of its facilities at which the Extended Allocation is consumed at least once during the term of the allocation absence good cause, and provide the Authority with a copy of any

- such audit or, at the Authority's option, a report describing the results of such audit, and provide documentation requested by the authority relating to the implementation of any efficiency measures at the facilities;
- (c) an agreement by the customer whose Allocation is extended to make its facilities available for energy audits and related assessments that the authority desires to perform, if any, and provide information requested by the Authority or its designee in surveys, questionnaires and other information requests relating to energy efficiency and energy-related projects, programs and services; and
 - (d) an agreement by the customer whose Allocation is extended that if the actual metered load at the facility where the allocation is utilized is less than the allocation, such allocation will be reduced accordingly;
- (3) Recommend that the NYPA Trustees approve the three modifications related to the RNY Power allocations, extensions, and/or related supplemental commitments described in Exhibit "B" for the reasons discussed above and in Exhibit "B";
 - (4) Recommend that the NYPA Trustees award the two 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 three 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 13 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 two 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 two applicants listed in Exhibit "G" for the reasons listed in Exhibit "G".

Chair Cecil Morris invited Ms. Maribel Cruz-Brown, Senior Vice President of Customer Solutions, to make an introduction.

Ms. Maribel Cruz-Brown said that staff is requesting that the members approve the recommendations of the Recharge New York Power- New, Extended and Modified Allocations which will be presented by Mr. Yale Brown, Senior Business Power Allocations & Compliance Analyst

Mr. Yale Brown provided highlights of the Staff's recommendation to the members. He said that the members are requested to recommend that the New York Power Authority's ("NYPA") Board of Trustees approve contract extensions for seven allocations of Recharge New York Power to existing customers, approve three modifications related to existing Recharge New York allocations, extensions, and/or related supplemental commitments, and award new allocations of Recharge New York large business retention, large business expansion, and small business and not-for-profit-based power to 15 applicants. All applications were submitted through the State's consolidated funding application system.

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

He added that the recommendations include one MWBE applicant and nine applicants with facilities located in disadvantaged communities which consist of seven extension allocations totaling 1.8 megawatts and supporting more than 580 jobs; three modifications related to existing Recharge New York allocations, extensions, and/or related needed supplemental commitments; two new large business retention allocations totaling 0.8 megawatts and supporting the retention of more than 170 jobs; three new large business expansion allocations totaling 2 megawatts and supporting the creation of more than 40 new jobs; and 13 new small business and not-for-profit-based allocations totaling one megawatt and supporting nearly 1,100 jobs.

If today's recommendations are approved, it is anticipated that approximately 36 megawatts of RNY power would remain available to allocate. The awarded applicants will be offered Recharge New York contracts for a term of up to seven years. The contract has provisions for the partial or complete withdrawal of an allocation if the recipient fails to maintain mutually agreed-upon commitments relating to, among other things, employment, power utilization, and capital investment.

Mr. Brown ended that the Board is being asked today to recommend Authority's Board of Trustees approve contract extensions for seven allocations of Recharge New York Power to existing customers, approve three modifications related to existing Recharge New York allocations, extensions, and/or related supplemental commitments, and award 18 new Recharge New York large business retention, large business expansion, and small business and not-for-profit-based power allocations.

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

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

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

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

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

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

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

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

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

RESOLVED, That the Board recommends that the NYPA Trustees approve the 13 new RNY Power allocations for retention and expansion purposes to the small businesses and/or not-for-profit companies in the amounts indicated in the Memorandum; and be it further

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

RESOLVED, That the Board terminates the application review process for the two identified applicants for the reasons discussed in the Memorandum.



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

Economic Development Power Allocation Board											Exhibit "A"
Extension Recommendations - RNY Power Allocations for Retention Purposes (Large Businesses, Small Business, and/or NFP Corporations)											July 30, 2024
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	Howlett Farms Feed, LLC	Le Roy	Genesee	Finger Lakes	NGRID	Cornmeal grinding facility	46	46	2	\$25,000	7
2	Traco Manufacturing, Inc.	Batavia	Genesee	Finger Lakes	NGRID	Manufacturer of packaging equipment	86	86	10	\$250,000	7
	Finger Lakes Region Sub-totals:						132	132	12	\$275,000	
3	New Horizon Graphics Inc.	Hauppauge	Suffolk	Long Island	LIPA	Commercial printing and finishing services	140	140	41	\$100,000	7
4	Official Offset Corporation	Amityville	Suffolk	Long Island	LIPA	Commercial printing and binding services	100	100	15	\$175,000	7
5	Ozone Acquisition, LLC	Plainview	Nassau	Long Island	LIPA	Rehabilitation and nursing center	100	100	145	\$1,500,000	7
	Long Island Region Sub-totals:						340	340	201	\$1,775,000	
6	Turbine Engine Components Technologies - Utica Corporation	Whitesboro	Oneida	Mohawk Valley	NGRID	Manufacturer of aircraft engine components	1,266	1,266	250	\$20,000,000	7
	Mohawk Valley Sub-totals:						1,266	1,266	250	\$20,000,000	
7	United New York Sandy Hook Pilots' Benevolent Association	Staten Island	Richmond	New York City	CONED	Provides pilotage service for the port of NY & NJ	40	40	120	\$50,000	7
	New York City Sub-totals:						40	40	120	\$50,000	
	Totals						1,778	1,778	583	\$22,100,000	

Economic Development Power Allocation Board											Exhibit "B"
Modifications to Existing Allocations, Extensions, and/or Related Supplemental Commitments											July 30, 2024
Line	Company	City	County	Economic Development Region	IOU	Description	Current kW Amount	Recommended kW Amount	Final Job Commitments	Final Capital Investment Commitment (\$)	Contract Term (years)
1	Cafe Spice, LLC	Beacon & New Windsor	Dutchess & Orange	Mid-Hudson	CHUD	Manufacturer & distributor of prepared meals	1,362	1,362	245	\$10,750,000	7
2	HealthAlliance Hospital Broadway Campus & HealthAlliance Hospital Mary's Avenue Campus	Kingston	Ulster	Mid-Hudson	CHUD	Hospital & healthcare services	566	566	724	\$57,019,285	7
3	Rising Sun Woodworking, Inc.	Cutchogue	Suffolk	Long Island	LIPA	Custom cabinetry & millwork services	20	30	21	\$400,000	7

Economic Development Power Allocation Board												Exhibit "C"
Recommendations - RNY Power Allocations for Retention Purposes												July 30, 2024
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)	Contract Term (Years)
1	Modern Italian Bakery of West Babylon Inc.	Oakdale	Suffolk	Long Island	LIPA	Manufacturer of baked bread products	675	336	160	0	\$750,000	7
	Long Island Region Sub-totals:							336	160	0	\$750,000	
2	Metallized Carbon Corporation	Rock Hill	Sullivan	Mid-Hudson	NYSEG	Manufacturer of carbon graphite materials	761	420	13	0	\$500,000	(1) 7
	Mid-Hudson Region Sub-totals:							420	13	0	\$500,000	
	Totals							756	173	0	\$1,250,000	

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

Economic Development Power Allocation Board												Exhibit "D"
Recommendations - RNY Power Allocations for Expansion Purposes												July 30, 2024
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	Bakery Process Solutions Inc.	Bayport	Suffolk	Long Island	LIPA	Cold storage & bread production facility	1,500	1,050	0	30	\$4,000,000	7
	Long Island Region Sub-totals:							1,050	0	30	\$4,000,000	
2	Metallized Carbon Corporation	Rock Hill	Sullivan	Mid-Hudson	NYSEG	Manufacturer of carbon graphite materials	162	120	13	5	\$2,000,000	(3) 7
	Mid-Hudson Region Sub-totals:							120	0	5	\$2,000,000	
3	Fillmore Farms LLC	Buffalo	Erie	Western New York	GRID	Indoor farming facility for leafy greens	2,250	800	0	8	\$500,000	7
	Western New York Region Sub-totals:							800	0	8	\$500,000	
	Totals							1,970	0	43	\$6,500,000	

(1) All expansion-based RNY Power allocations are recommended to be "up to" the amount indicated pending the applicant's compliance with contractual commitments, including commitments relating to job creation, capital investment spending and power utilization.
(2) The number of new jobs committed will be above a base employment level, where applicable, specified in the power sale contract with the applicant.
(3) This company is also being recommended for a retention-based RNY Power allocation associated with separate and distinct contractual commitments relating to such matters as job retention, capital investment spending, and power utilization associated with an existing business.

Economic Development Power Allocation Board												Exhibit "E"
Recommendations - RNY Power Allocations for Retention & Expansion Purposes (Small Business and/or NFP Corporations)												July 30, 2024
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	Vigneri Chocolate, Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of confectionary products	54	30	22	0	\$6,000,000	(1), (2)
Finger Lakes Region Sub-totals:								30	22	0	\$6,000,000	
2	American Health Formulations, Inc.	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of vitamins & supplements	149	70	40	0	\$300,000	7
3	Broadway National Group LLC	Hauppauge	Suffolk	Long Island	LIPA	Facilities & construction management	157	76	249	0	\$220,000	7
Long Island Region Sub-totals:								146	289	0	\$520,000	
4	Fit and Fun Playscapes LLC	Poughkeepsie	Dutchess	Mid-Hudson	CHUD	Manufacturer of playground game stencils	29	16	5	0	\$200,000	7
5	United Home for Aged Hebrews	New Rochelle	Westchester	Mid-Hudson	CONED	Rehabilitation & nursing center	432	160	226	0	\$25,000	7
Mid-Hudson Region Sub-totals:								176	231	0	\$225,000	
6	Allwell Greens, Inc.	Long Island City	Queens	New York City	CONED	Indoor vertical farming facility	40	20	3	0	\$75,000	(1), (2)
7	Epmr Technology Incorporated	Brooklyn	Kings	New York City	CONED	Manufacturer of electroplated coatings	49	26	47	0	\$200,000	7
8	Jewish Home Lifecare, Manhattan	New York	New York	New York City	CONED	Rehabilitation & nursing center	594	226	385	0	\$250,000	7
New York City Region Sub-totals:								272	435	0	\$525,000	
9	Trudeau Institute, Inc.	Saranac Lake	Franklin	North Country	NGRID	Research organization for infectious diseases	537	176	65	0	\$1,500,000	7
North Country Region Sub-totals:								176	65	0	\$1,500,000	
10	Broda Machine Co., Inc.	Niagara Falls	Niagara	Western New York	NGRID	Manufacturer of precision machining solutions	203	110	24	0	\$100,000	7
Western New York Region Sub-totals:								110	24	0	\$100,000	
Retention-Based Totals								910	1,066	0	\$8,870,000	
Expansion-Based Allocations												
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (3)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
11	Vigneri Chocolate, Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of confectionary products	40	20	22	10	\$1,925,000	(2), (4)
Finger Lakes Region Sub-totals:								20	0	10	\$1,925,000	
Expansion-Based Allocations (Continued)												
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)
12	Allwell Greens, Inc.	Long Island City	Queens	New York City	CONED	Indoor vertical farming facility	40	26	3	7	\$473,700	(1), (4)
New York City Region Sub-totals:								26	0	7	\$473,700	
13	Polymer Medical, Inc.	Orchard Park	Erie	Western New York	NYSEG	Manufacturer of disposable medical products	130	66	0	15	\$1,500,000	7
Western New York Region Sub-totals:								66	0	15	\$1,500,000	
Expansion-Based Totals								112	0	32	\$3,898,700	
Retention & Expansion-Based Totals								1,022	1,066	32	\$12,768,700	

(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"
ReCharge New York Power Program							July 30, 2024
Informational Item - Applicants Not Eligible							
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Candy Carnival	New Paltz	Ulster	Mid-Hudson	CHUD	Retail candy 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	Glam with Bham	Queens	Queens	New York City	CONED	Beauty salon & cosmetic services	The applicant's business falls within EDPAB's definition of a retail business. Specifically, the applicant operates a business that is primarily used in making retail sales of goods or services to customers who personally visit such facilities to obtain goods or services.

Economic Development Power Allocation Board							Exhibit "G"
ReCharge New York Power Program							July 30, 2024
Informational Item - Terminate Application/Review Process							
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Linton Crystal Technologies Corp.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of monocrystalline ingots	The applicant has applied prematurely and is unable to currently provide staff with additional requested information, preventing a complete analysis of the application. The applicant may consider reapplying if and when able to advance a more complete RNY Power application.
2	Lovejoy Chaplet Corporation	Hoosick Falls	Rensselaer	Capital District	NGRID	Manufacturer of precision machined components	The applicant submitted an incomplete application, preventing a complete analysis of the application. The applicant may consider reapplying if and when able to advance a more complete RNY Power application

Economic Development Power Allocation Board							Exhibit "H"
Statutory Criteria - RNY Power Program							July 30, 2024
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;						



KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

OTHER BUSINESS

No other business to report.

5. Next Meeting

Chair Cecily Morris said that the next meeting of the Board will be held on Monday, September 23, 2024.

Closing

According to a motion made by Member Andrew Silver and seconded by Member Dennis Trainor, the meeting was adjourned at approximately 7:54a.m.

Karen Delince

Karen Delince
Corporate Secretary



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

Date: September 17, 2024
To: Economic Development Power Allocation Board
From: Senior Vice President – Customer Solutions
Subject: Transfer of RNY Power Allocations

SUMMARY

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

1. Transfer of a 970 kilowatt (“kW”) RNY Power allocation awarded to Cliffstar LLC (“Cliffstar”), for its use at its facility at One Cliffstar Avenue, Dunkirk, NY 14048, to Refresco Beverages US Inc. (“Refresco”), to address organizational changes.
2. Transfer of a 126 kW RNY Power allocation awarded to Hanan Products Company, Inc. (“Hanan”), for its use at its 196 Miller Place Hicksville, NY 11801, to Rich Products Corporation (“Rich”), 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) Cliffstar LLC

Cliffstar was awarded a 970 kW RNY Power allocation for use at its facility located in Dunkirk, NY. This facility manufactures, bottles, and packages beverages.

On September 30, 2020, Cliffstar’s assets and liabilities were purchased by Refresco. Refresco plans no changes to the business that Cliffstar conducted at the aforementioned facility in New York.

Refresco requests that the 970 kW RNY Power allocation be transferred from Cliffstar to Refresco. Refresco has indicated that it will honor all the terms and commitments made by

Cliffstar under the Agreement for the Sale of Recharge New York Power and Energy with the Authority covering the allocation.

2) Hanan Products Company, Inc.

Hanan was awarded a 126 kW RNY Power allocation of use at its facility located in Hicksville, NY. This facility manufactures whipped toppings, icing and filling.

On February 23, 2024, Hanan's assets were purchased by Rich. Rich plans no changes to the business that Hanan conducted at the facility in New York.

Hanan and Rich request that the 126 kW RNY Power allocation be transferred from Hanan to Rich. Rich has indicated that it will honor all the terms and commitments made by Hanan under the Agreement for the Sale of Recharge New York Power and Energy with the Authority covering the allocation.

RECOMMENDATION

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

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 970 kilowatt (“kW”) Recharge New York Power allocation awarded to Cliffstar LLC for use at its facility located at One Cliffstar Avenue, Dunkirk, NY 14048, to Refresco Beverages 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 the New York Power Authority (“NYPA”) Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.

RESOLVED, That the transfer of a 126 kW Recharge New York Power allocation awarded to Hanan Products Company, Inc. for use at its facility located at 196 Miller Place Hicksville, NY 11801, to Rich Products Corporation 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 the NYPA Board of Trustees; (2) there be no material reduction in the base employment level or capital investment commitment due to the transfer as provided for above; and (3) the transfer is addressed in contract documents containing such terms and conditions determined by the NYPA to be appropriate to effectuate the transfer.



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

Date: September 17, 2024

To: Economic Development Power Allocation Board

From: Vice President – Customer Power Supply & Economic Development

Subject: Extension of the Industrial Incentive Award to Pratt Paper (NY), Inc. and 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, 2024 to May 31, 2025. 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, 2024 through May 31, 2025 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 “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.

Since this time, EDPAB has extended the Plan, and NYPA has approved the Plan's extension, annually, in one year increments (June 1-May 31) from 2019 through 2024. Following these extensions, the NYPA Board of Trustees approved one-year extensions (June 1-May 31) of the term of the IIA awarded to Pratt in the amount of up to \$1 million in connection with Pratt's Staten Island operations after finding that Pratt continued to satisfy the requirements for an IIA.

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 2024 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.

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 295 persons at its facility during the tenth annual term ending May 31, 2023.

DISCUSSION

By letter application dated April 20, 2024, 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 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, 2025.

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; and (2) approve an extension to May 31, 2025 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.

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

RESOLUTION

RESOLVED, That the Economic Development Power Allocation Board determines that, based the attached memorandum and other information referred to therein, and the criteria and requirements provided for in Economic Development Law §§ 184 and 185 (collectively, the “Criteria”), the extended Economic Development Plan (“Plan”) and its implementation are consistent with the Criteria, and therefore approves the extended Plan that provides for the use of net revenues from the sale of Expansion Power through May 31, 2025, in order to provide electric bill discounts in the form of Industrial Incentive Awards to manufacturing companies in New York State that are at identifiable risk of closure or relocation to another state, and for the reasons indicated in the Attached Memorandum.

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.



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

September 17, 2024

Next Meeting

The next meeting of the Economic Development Power Allocation Board (EDPAB) is scheduled to be held on Monday, December 9, 2024 at 9:00 a.m.