



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD

MINUTES

December 9, 2024

Meeting Held Via Videoconference

Subject

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Economic Development Power Allocation Board

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A regular meeting of the Economic Development Power Allocation Board (“EDPAB”) was held via video conference, at approximately 9:00 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
Yale Brown	Expert BPAC 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 December 9, 2024 Proposed Meeting Agenda

On motion made by Member Dennis Trainor and seconded by Member Andrew Silver, the Agenda for the December 9, 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 Andrew Silver and seconded by Member Dennis Trainor, the Minutes of the Meeting held on September 17, 2024 were unanimously approved.

Chair Cecil Morris invited Ms. Maribel Cruz-Brown, Senior Vice President of Customer Solutions, to present staff's recommendations to the Board.

.Ms. Maribel Cruz-Brown said that the staff is requesting that the members approve the recommendations which will be presented by Yale Brown, Expert Business Power Allocations & Compliance Analyst.

She continued to thank the Board for all their time and review of the group's recommendations throughout the year. She said that their attendance and review of materials is always very much appreciated and critical to the success of this economic development program. She continue to say that throughout the year, due to the Board's approval, they have been able to award nearly 40 Recharge New York Power allocations and extensions, with one Industrial Incentive Award extension, to businesses and not-for-profits throughout the state. The activities voted on have allowed new businesses to locate into NYS, businesses and not for profits to maintain their position in NYS and others to grow their business all with cost competitive power.

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 six 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 customer 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 eight 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 three 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 fifteen 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;
 - (g) authorize termination of the application review process for the six applicants listed in Exhibit "G"; and
 - (h) determine that the two applicants listed in Exhibit "H" would not be recommended to receive an RNY Power allocation.

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

- (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 "I" 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-one prior occasions spanning from October 2018 through July 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-one prior occasions spanning from April 2012 through July 2024. Currently, approximately 39 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 32 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 six 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 in the State where indicated, 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 \$18.5 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 "I". 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 eight 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.

i. Flower City Printing, Inc. ("Flower City") was previously approved for a retention-based RNY Power allocation extension in the amount of 596 kW with commitments of 217 retained jobs and \$4 million in capital spending. The company, which provides commercial printing services, currently utilizes the allocation at its facility located at 1725 Mount Read Blvd., Rochester, New York (Monroe County). In addition to the retention-based allocation, Flower City recently submitted an RNY Power application to extend its 156 kW expansion-based allocation. As a result, we determined that a consolidation of both RNY allocations would be appropriate for Flower City moving forward. For this reason, the Trustees are requested to approve modifications to the retention-based RNY Power allocation extension to reflect a combined awarded amount of 752 kW, with an employment commitment of 212 retained jobs. The proposed modification would also include the capital investment commitment of \$4 million associated with Flower City's current retention-based RNY Power allocation extension.

ii. GLOBALFOUNDRIES U.S. Inc. ("Global Foundries") was previously approved for an expansion-based RNY Power allocation modification in the amount of 15,000 kW with commitments of 2,780 total jobs (2,300 retained jobs and 480 new jobs) and \$2.309 billion in capital spending. The company, which is a manufacturer of semiconductor products, would be able to utilize the allocation at its facility in Malta, New York (Saratoga County) for its expansion project to support chip production for General Motors ("Auto Project"). Global Foundries currently utilizes a separate 15,000 kW RNY Power allocation extension at the same site. In recent discussions with Global Foundries, we determined that Global Foundries' business case has changed and that it wishes to modify the job and capital investment commitments associated with its RNY Power allocation for the Auto Project. For this reason, the Trustees are requested to approve a modification for the expansion-based RNY Power allocation to Global Foundries, modifying the allocation to a retention-based award for its Auto Project to reflect a decreased commitment level of 2,638 total jobs (2,300 retained jobs and 338 new jobs) and an increased commitment level of \$2.564 billion in capital spending. As a condition of the proposed modification, based on the new information associated with the Global Foundries business case, Staff is rescinding the previously approved 15,000 kW High Load Factor ("HLF") Power allocation associated with the Auto Project.

iii. Global Foundries was previously approved for an expansion-based RNY Power allocation in the amount of 15,000 kW, with commitments of 3,280 total jobs (2,780 retained jobs and 500 new jobs) and \$4.467 billion in capital spending. The company would be able to utilize the allocation for its

expansion project to construct a new chip factory at its Malta, New York (Saratoga County) site ("Fab Project"). In recent discussions with the customer, we determined that Global Foundries' business case has changed and that the company wishes to modify the job commitments associated with its RNY Power allocation for the Fab Project. For this reason, the Trustees are requested to approve a modification to the expansion-based RNY Power allocation to Global Foundries for its Fab Project to reflect a decreased total commitment level of 3,161 total jobs (2,638 retained jobs and 523 new jobs). Although the grand total job commitment is decreasing from 3,280 jobs to 3,161 jobs, the new jobs commitment is increasing from 500 jobs to 523 jobs. The proposed modification would not result in a change to the current Fab Project capital investment commitment of \$4.467 billion and would continue to treat the award as expansion-based RNY Power. Global Foundries is also being recommended for an HLF Power allocation modification in connection with the Fab Project which is being presented in a separate Board of Trustees item at the December 10, 2024 Trustee meeting.

iv. International Business Machines Corporation ("IBM") was previously approved for a retention-based RNY Power allocation extension in the amount of 10,000 kW, with commitments of 1,042 retained jobs and \$50 million in capital spending. The company, which is a manufacturer of computer and technology products, currently utilizes the allocation at its facility in Poughkeepsie, New York (Dutchess County). In recent discussions with the customer, we determined that IBM has experienced load growth leading to its request for additional RNY Power. IBM has also experienced employment growth, allowing it to increase its current commitment of 1,042 jobs to 1,500 jobs. IBM is also planning to increase its capital investments moving forward, allowing it to increase its current commitment of \$50 million to \$60 million. For these reasons, the Trustees are requested to approve a modification increasing the allocation extension to IBM by 3,000 kW to 13,000 kW. The proposed modification would also increase the company's current extension-related job and capital investment commitments to 1,500 jobs and \$60 million, respectively.

v. New York Hemp Oil, LLC ("New York Hemp Oil") was previously approved for retention and expansion-based RNY Power allocations totaling 62 kW with combined commitments of 20 jobs and \$3.5 million in capital spending. The company, which operates a hemp extraction and distribution business, currently utilizes its retention-based allocation at its facility in Cortland, New York (Cortland County). The customer indicates that its RNY Power contract needs to be amended to include an additional address not listed in its application as a facility to receive power. For this reason, the Trustees are requested to authorize a modification to New York Hemp Oil's RNY Power contract to include the additional address.

vi. North Shore University Hospital ("NSUH") was previously approved for a retention-based RNY Power allocation extension in the amount of 3,060 kW, with commitments of 7,805 retained jobs and \$394.878 million in capital spending. NSUH currently utilizes the allocation at its facility in Manhasset, New York (Nassau County). The customer indicates that it has experienced load growth, leading to its request for additional RNY Power. The company has also experienced employment growth, allowing it to increase its current commitment of 7,805 jobs to 8,011 jobs. For these reasons, the Trustees are requested to approve a modification increasing the allocation extension to NSUH by 746 kW to 3,806 kW, and increasing the company's current extension-related job commitment to 8,011 jobs. The proposed modification would not result in any changes to the company's current capital investment commitment.

vii. Vigneri Chocolate, Inc. (“Vigneri”) was previously approved for a retention-based RNY Power allocation in the amount of 30 kW with commitments of 22 retained jobs and \$6 million in capital spending. The company, which is a manufacturer of confectionary products, would be able to utilize the allocation at its facility located in Rochester, New York (Monroe County). Vigneri has indicated that it inadvertently overstated its retention-based capital investment commitment. For this reason, the Trustees are requested to approve a modification to the retention-based RNY Power allocation to Vigneri to reflect a decreased capital investment commitment of \$1.9 million. Staff is not recommending a change to the amount of the allocation.

viii. Webair Internet Development Company LLC (“Webair”) was approved for a retention-based RNY Power allocation extension in the amount of 266 kW with commitments of 40 retained jobs and \$5 million in capital spending. The company, which provides cloud computing and data center services, currently utilizes the allocation at its facility in Garden City, New York (Nassau County). In addition to the retention-based allocation, Webair recently submitted an RNY Power application to extend its 666 kW expansion-based allocation, of which the company is currently utilizing 262 kW. As a result, we determined that a consolidation of both RNY allocations would be appropriate moving forward. It was further determined that the unused portion of Webair’s expansion-based allocation (404 kW) would be rescinded at this time. For this reason, the Trustees are requested to approve modifications to the retention-based RNY Power allocation extension to reflect a combined awarded amount of 528 kW with commitments of 62 retained jobs and \$5 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 three 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 15 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 authorize termination of the application review process for the six applicants listed in Exhibit “G” for the reasons listed in Exhibit “G”. In the past, some applicants in these circumstances have refiled if able to advance a more complete RNY Power application.

8. Applicants Not Recommended

Staff recommends that the Board determine that the two applicants listed in Exhibit “H” would not be recommended to receive an RNY Power allocation for the reasons listed in Exhibit “H”.

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 six 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 eight modifications related to the RNY Power allocations, extensions, and/or related supplemental commitments described in Exhibit “B” in the amounts indicated therein for the reasons discussed above and in Exhibit “B”;
 - (4) Recommend that the NYPA Trustees award the three new allocations of RNY Power for retention purposes to the businesses listed in Exhibit “C” in the amounts 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” in the amounts indicated therein;
 - (6) Recommend that the NYPA Trustees award the 15 new allocations of RNY Power for the small business and/or not-for-profit applicants identified in Exhibit “E” for retention and expansion purposes in the amounts 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”;
 - (8) Authorize termination of the application review process for the six applicants listed in Exhibit “G” for the reasons listed in Exhibit “G”; and
 - (9) Determine that the two applicants listed in Exhibit “H” would not be recommended to receive an RNY Power allocation for the reasons listed in Exhibit “H”.

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 6 allocations of Recharge New York Power to existing customers; approve 8 modifications related to existing Recharge New York allocations, extensions and 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 17 applicants. He said that all applications were submitted through the State's Consolidated Funding Application system.

He added that, as in the past, new applications were evaluated on a competitive basis in consideration of the 12 criteria in the Recharge NY legislation which includes 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. He further stated that 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. The recommendations also include 1 MWBE Applicant and 6 applicants with facilities located in Disadvantaged Communities.

The recommendations consist of the following:

- 6 extension allocations totaling 4.6 MW's and supporting more than 580 jobs;
- 8 modifications related to existing Recharge NY allocations, extensions, and/or related supplemental commitments;

- 3 new large business retention allocations totaling 3.7 MW's and supporting the retention of nearly 620 jobs;
- 3 new large business expansion allocations totaling 1.2 MW's and supporting the creation of nearly 50 new jobs; and
- 15 new small business and not-for-profit based allocations totaling 2.2 MW's and supporting nearly 830 jobs.

He further continued that the recommendations are approved, it is anticipated that approximately 32 MW's of RNY Power would remain available to allocate and the awarded applicants will be offered Recharge NY contracts for a term of up to 7 years. In addition, 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 to recommend that the Authority's Board of Trustees approve contract extensions for six allocations of Recharge New York Power to existing customers; Approve eight modifications related to existing Recharge NY Allocations, extensions and/or related supplemental commitments; and award twenty-one 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 Andrew Silver and seconded by Member Dennis Trainor, the Recharge New York Power – New, Extended and Modified Allocations as recommended by staff, was approved by the Board.

The following resolution was anonymously 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 six 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 eight 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 three 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 15 new RNY Power allocations for retention and expansion purposes to the small businesses and/or not-for-profit applicants 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 authorize termination of the application review process for the six identified applicants for the reasons discussed in the Memorandum; and be it further

RESOLVED, That the Board determines to not recommend an RNY Power allocation for the two identified applicants for the reasons discussed in the Attached 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)											December 9, 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	Flower City Printing, Inc.	Rochester	Monroe	Finger Lakes	RGE	Commercial printing & signage services	752	752	212	\$4,000,000	(1) 7
	Finger Lakes Region Sub-totals:						752	752	212	\$4,000,000	
2	365 Data Centers NY One LLC	Commack	Suffolk	Long Island	LIPA	Data center & information technology services	2,850	2,850	4	\$7,915,000	7
3	Retlif Incorporated	Ronkonkoma	Suffolk	Long Island	LIPA	Electronic & environmental product testing	140	140	45	\$500,000	7
4	Ricoh USA, Inc.	Commack	Suffolk	Long Island	LIPA	Data center & information technology services	150	150	72	\$85,000	7
5	Sunharbor Acquisition I, LLC	Roslyn Heights	Nassau	Long Island	LIPA	Rehabilitation and nursing center	186	176	188	\$1,000,000	(2) 7
6	Webair Internet Development Company LLC	Garden City	Nassau	Long Island	LIPA	Data center & information technology services	932	528	62	\$5,000,000	(1), (3) 7
	Long Island Region Sub-totals:						4,258	3,844	371	\$14,500,000	
Totals							5,010	4,596	583	\$18,500,000	
(1) The customer's extension recommendation includes a modification to combine multiple allocations into one RNY Power allocation extension.											
(2) The customer is being recommended for an RNY Power Allocation extension at a decreased kW amount due to their reduced level of extension jobs committed as compared to their current employment commitment.											
(3) The customer's extension recommendation includes the takeback of the unused portion of its current RNY Power allocation where applicable.											

Economic Development Power Allocation Board											Exhibit "B"
Modifications to Existing Allocations, Extensions, and/or Related Supplemental Commitments											December 9, 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	Flower City Printing, Inc.	Rochester	Monroe	Finger Lakes	RGE	Commercial printing services	752	752	212	\$4,000,000	7
2	GLOBALFOUNDRIES U.S. Inc.	Malta	Saratoga	Capital District	NGRID	Manufacturer of semiconductor products	15,000	15,000	2,638	\$2,564,000,000	(1) 7
3	GLOBALFOUNDRIES U.S. Inc.	Malta	Saratoga	Capital District	NGRID	Manufacturer of semiconductor products	15,000	15,000	3,161	\$4,467,000,000	(2) 7
4	International Business Machines Corporation	Poughkeepsie	Dutchess	Mid-Hudson	CHUD	Manufacturer of computer & technology products	10,000	13,000	1,500	\$60,000,000	7
5	New York Hemp Oil, LLC	Cortland	Cortland	Central New York	NGRID	Hemp extraction & product distribution	62	62	20	\$3,500,000	7
6	North Shore University Hospital	Manhasset	Nassau	Long Island	LIPA	Hospital & healthcare services	3,060	3,806	8,011	\$394,878,000	7
7	Vigneri Chocolate, Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of confectionary products	30	30	22	\$1,900,000	7
8	Webair Internet Development Company LLC	Garden City	Nassau	Long Island	LIPA	Cloud computing & data center	932	528	62	\$5,000,000	7

Economic Development Power Allocation Board												Exhibit "C"	
Recommendations - RNY Power Allocations for Retention Purposes												December 9, 2024	
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation	Jobs Retained	Jobs Created	Capital Investment (\$)	Contract Term (Years)	
1	BLI International Inc.	Deer Park	Suffolk	Long Island	LIPA	Manufacturer of pharmaceutical products	579	286	156	0	\$600,000	(1), (2) 7	
	Long Island Region Sub-totals:							286	156	0	\$600,000		
2	1547 CSR - Orangeburg, LLC	Orangeburg	Rockland	Mid-Hudson	ONR	Data center for information technology services	5,139	400	4	0	\$51,500,000	(1) 7	
3	International Business Machines Corporation	Poughkeepsie	Dutchess	Mid-Hudson	CHUD	Manufacturer of computer & technology products	5,455	3,000	1,500	0	\$60,000,000	(3) 7	
	Mid-Hudson Region Sub-totals:							3,400	462	0	\$61,500,000		
Totals								3,686	618	0	\$62,100,000		
(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.													
(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) This company is a current RNY Power customer being recommended for an additional award. The appropriate amounts related to the company's current RNY allocation have been removed from the totals above to properly reflect the increased commitment amounts associated with the new RNY Power recommendation.													

Economic Development Power Allocation Board						Exhibit "D"						
Recommendations - RNY Power Allocations for Expansion Purposes						December 9, 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	Currier Plastics, Inc.	Auburn	Cayuga	Central New York	NYSEG	Manufacturer of plastic molded products	250	186	205	20	\$14,500,000	(3), (4) 7
	Central New York Region Sub-totals:							186	0	20	\$14,500,000	
2	BLI International Inc.	Deer Park	Suffolk	Long Island	LIPA	Manufacturer of pharmaceutical products	375	260	156	20	\$3,500,000	(4), (5) 7
	Long Island Region Sub-totals:							260	0	20	\$3,500,000	
3	1547 CSR - Orangeburg, LLC	Orangeburg	Rockland	Mid-Hudson	ONR	Data center for information technology services	60,000	800	4	8	\$400,000,000	(5) 7
	Mid-Hudson Region Sub-totals:							800	0	8	\$400,000,000	
Totals								1,246	0	48	\$418,000,000	
(1) All expansion-based RNY Power allocations are recommended to be "up to" the amount indicated pending the applicant's compliance with contractual commitments, including commitments relating to job creation, capital investment spending and power utilization.												
(2) The number of new jobs committed will be above a base employment level specified in the power sale contract with the applicant.												
(3) The applicant was previously approved for RNY Power allocations. The base employment level refers to the applicant's retained jobs, all of which are already associated with an existing power allocation.												
(4) The recommendation and associated commitments will apply to multiple facilities/addresses. This configuration will be implemented accordingly in the customer's power contract.												
(5) This company is also being recommended for a retention-based RNY Power allocation associated with separate and distinct contractual commitments relating to such matters as job retention, capital investment spending, and power utilization associated with an existing business.												

Economic Development Power Allocation Board												Exhibit "E"
Recommendations - RNY Power Allocations for Retention & Expansion Purposes (Small Business and/or NFP Corporations)												December 9, 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	Howlett Farms Feed, LLC	Batavia	Genesee	Finger Lakes	NGRID	Manufacturer of dairy & livestock feeds	244	120	3	0	\$1,500,000	(1) 7
2	Northern Soy, Inc.	Rochester	Monroe	Finger Lakes	RGE	Manufacturer of tofu & tempeh products	188	100	22	0	\$700,000	7
	Finger Lakes Region Sub-totals:							220	25	0	\$2,200,000	
3	eatingEVOLVED LLC	Hauppauge	Suffolk	Long Island	LIPA	Manufacturer of chocolate products	209	100	30	0	\$1,500,000	7
4	Huntington Hospital Association	Greenlawn	Suffolk	Long Island	LIPA	Hematology & medical oncology practice	425	140	130	0	\$320,000	(2) 7
5	Long Island Jewish Medical Center	Bay Shore	Suffolk	Long Island	LIPA	Diagnostic imaging services facility	586	220	85	0	\$192,960	7
6	North Shore University Hospital	Great Neck	Nassau	Long Island	LIPA	Internal medicine, OB-GYN, & endocrinological services	274	90	240	0	\$330,000	(2) 7
7	North Shore University Hospital	Manhasset	Nassau	Long Island	LIPA	Hospital & healthcare services	11,417	3,806	8,011	0	\$394,878,000	(2), (3) 7
8	S.K.A. Machining, Inc.	Ronkonkoma	Suffolk	Long Island	LIPA	Precision machining services	54	26	3	0	\$500,000	7
	Long Island Region Sub-totals:							1,322	694	0	\$2,842,960	
9	H.W. Naylor Company, Inc.	Morris	Otsego	Mohawk Valley	NYSEG	Manufacturer of animal health products	23	10	8	0	\$234,920	7
	Mohawk Valley Region Sub-totals:							10	8	0	\$234,920	
10	Bo Bo Poultry Market Inc.	Brooklyn	Kings	New York City	CONED	Poultry manufacturing & processing plant	112	66	27	0	\$1,000,000	7
11	MFA 527 Madison LLC	New York	New York	New York City	CONED	Real estate investment office building	164	80	4	0	\$350,000	7
	New York City Region Sub-totals:							146	31	0	\$1,350,000	
12	Incodema3D, LLC	Freeville	Tompkins	Southern Tier	NYSEG	Manufacturer of direct metal 3D printing	237	116	52	0	\$2,000,000	(1) 7
	Southern Tier Region Sub-totals:							116	52	0	\$2,000,000	
	Retention-Based Totals							1,814	810	0	\$8,627,880	
Expansion-Based Allocations												
Line	Company	City	County	Economic Development Region	IOU	Description	kW Request	kW Recommendation (4)	Base Employment	Job Creation Commitment	Project Capital Investment (\$)	Contract Term (years)
13	Strongback Brewing	Oswego	Oswego	Central New York	NGRID	Brewery for craft beers	186	100	0	10	\$1,770,000	(5) 7
	Central New York Region Sub-totals:							100	0	10	\$1,770,000	
14	Howlett Farms Feed, LLC	Batavia	Genesee	Finger Lakes	NGRID	Manufacturer of dairy & livestock feeds	597	200	3	2	\$3,351,798	(1), (6) 7
	Finger Lakes Region Sub-totals:							200	0	2	\$3,351,798	
15	Incodema3D, LLC	Freeville	Tompkins	Southern Tier	NYSEG	Manufacturer of direct metal 3D printing	250	126	52	5	\$6,000,000	(1), (6) 7
	Western New York Region Sub-totals:							126	0	5	\$6,000,000	
	Expansion-Based Totals							426	0	17	\$11,121,798	
	Retention & Expansion-Based Totals							2,240	810	17	\$19,749,678	
(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) This company is a current RNY Power customer being recommended for a modification resulting in an increased award. The appropriate amounts related to the company's current RNY allocation have been removed from the totals above to properly reflect the increased amounts associated with the modification.												
(4) 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.												
(5) The applicant has informed the Authority of its intention to incorporate in New York State under the name of Strongback Brewing Company, LLC. This is the entity that would be used in the customer's RNY Power contract.												
(6) 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						December 9, 2024
Informational Item - Applicants Not Eligible						
Company	City	County	Economic Development Region	IOU	Description	Reason
Bais Ruchel D'Satmar Inc.	Brooklyn	Kings	New York City	CONED	Private religious school	The applicant's electric accounts are currently billed under service classes through its local utility rendering them ineligible to receive RNY Power.
Riverdale Jewish Center	Bronx	Bronx	New York City	CONED	Community synagogue	The applicant's electric account is currently billed under a service class through its local utility rendering it ineligible to receive RNY Power.

Economic Development Power Allocation Board							Exhibit "G"
ReCharge New York Power Program							December 9, 2024
Informational Item - Terminate Application/Review Process							
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Actuary Productions Saskatoon	New York	New York	New York City	CONED	Energy efficiency research & development	The applicant has been unresponsive to requests by staff for additional information, preventing a complete analysis of the application.
2	American Soul LLC	Thiells	Rockland	Mid-Hudson	CHUD	Food truck	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
3	Northwell Healthcare, Inc.	Glen Cove	Nassau	Long Island	LIPA	Medical laboratory testing facility	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
4	Northwell Healthcare, Inc.	Bay Shore	Nassau	Long Island	LIPA	Orthopedic healthcare facility	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
5	Northwell Healthcare, Inc.	New Hyde Park	Nassau	Long Island	LIPA	COVID-19 antibody testing facility	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
6	Tasty Deluxe Foods LLC	Niagara Falls	Niagara	Western New York	NGRID	Food manufacturing, warehousing, & distribution center	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"	
ReCharge New York Power Program						December 9, 2024	
Informational Item Applicant/Application Not Recommended for RNY Power Allocation							
Line	Company	City	County	Economic Development Region	IOU	Description	Reason
1	Great Performances/Artists as Waitresses, Inc.	Bronx	Bronx	New York City	CONED	Community kitchen & catering services	Specific entities within the facility that would use and receive the benefit of an RNY allocation would not have a utility account or utility grade demand meter, and therefore it would not be possible for the utility to collect demand and usage data from specific users of RNY Power.
2	Mitsui Fudosan America Inc.	New York	New York	New York City	CONED	Real estate investment offices	Specific entities within the facility that would use and receive the benefit of an RNY allocation would not have a utility account or utility grade demand meter, and therefore it would not be possible for the utility to collect demand and usage data from specific users of RNY Power.

Economic Development Power Allocation Board							Exhibit "I"
Statutory Criteria - RNY Power Program							December 9, 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;						
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.						



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

4. Adoption of the 2025 Proposed Meeting Schedule

On motion made by member Andrew Silver and seconded by member Dennis Trainor, the 2025 proposed meeting schedule was unanimously adopted.

5. Next Meeting

Chair Cecily Morris said that the next meeting of the Board will be held on Monday, January 28, 2025

Closing

On motion made by Member Andrew Silver and seconded by Member Dennis Trainor, the meeting was adjourned at approximately 9:14 a.m.

Karen Delince

Karen Delince
Corporate Secretary