



## DOMESTIC CONTENT WAIVER DETERMINATION FOR THE SOMERS SOLAR PROJECT

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### PURPOSE

This determination by the Power Authority of the State of New York (“NYPA” or “Authority”), on behalf of NYPA, and its wholly owned subsidiary, New York Renewable Energy Development Holdings Corporation (“NYRED”), and NYRED’s wholly owned subsidiary Somers Solar, LLC, is hereby made pursuant to New York State Public Authorities Law (“PAL”) § 1005 (27-a)(1), partially waiving the requirement to procure domestic content for the Somers Solar project.

### BACKGROUND

On May 3, 2023, Chapter 56 of the Laws of 2023 became law as a part of the 2023-2024 Enacted State Budget, and included among its provisions Part QQ that amended Section 1005 of the PAL by adding a new subdivision 27-a granting NYPA authority to plan, design, develop, finance, construct, own, operate, maintain and improve, either alone, or jointly with other entities through the use of public-private agreements, renewable energy generating projects in New York State.

PAL § 1005 (27-a)(f) authorizes the Authority to exercise and perform all or part of its powers and functions under PAL § 1005 (27-a) through one or more wholly owned subsidiaries. On November 18, 2024, the Authority incorporated NYRED as a wholly owned subsidiary under the New York State Business Corporation Law to exercise and perform all or part of its powers and functions provided for in PAL § 1005 (27-a).

In February 2025, NYRED acquired Somers Solar, LLC and all interests in the Somers Solar project from Clean Peak LLC, a Delaware limited liability company, which is an affiliate of CS Energy, LLC (“CS Energy”). CS Energy and Somers Solar, LLC are negotiating a contract for the construction of the Somers Solar project and working towards commencing commercial operation in 2027.

PAL § 1005 (27-a)(1) requires that the components and parts of the project shall be produced or made in whole or substantial part in the United States, its territories or possessions (the “Domestic Content Requirement”); however, NYPA’s President and CEO, or their designee, may waive these requirements if they determine that: (1) the requirements would not be in the public interest; (2) the requirements would result in unreasonable costs; (3) obtaining such infrastructure components and parts in the United States would increase the cost of a renewable energy generating project by an unreasonable amount; or (4) such components or parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. PAL § 1005 (27-a)(1) further requires that such a waiver

determination must be made on an annual basis no later than December thirty-first, after providing notice and an opportunity for public comment, and such determination shall be made publicly available, in writing, on the authority's website with a detailed explanation of the findings leading to such determination.

The Somers Solar project is the first project that NYRED has acquired and therefore presents the first opportunity for the domestic content analysis and determination required by PAL § 1005 (27-a)(1), set forth herein. A notice of a preliminary domestic content determination was published in the New York State Contract Reporter on September 10, 2025, to solicit public comments. No comments were received.

#### DOMESTIC CONTENT ANALYSIS FOR THE SOMERS SOLAR PROJECT


NYPA and NYRED have worked with CS Energy to categorize the components and parts needed to construct the Somers Solar project and identified those components and parts that can be sourced domestically and those that meet the statutory criteria to justify the grant of a partial waiver of the domestic content requirements of PAL § 1005 (27-a)(1). Each such component or part has been identified in the table below, which includes information indicating where such components or parts can be produced or made in whole or substantial part in the United States, its territories or possessions, and are readily available for the Somers Solar project, or where a waiver has been determined to be necessary due to circumstances that meet one or more of the waiver criteria set forth in PAL § 1005 (27-a)(1) (the "Domestic Content Waiver Determination").

<b>Component or Part</b>	<b>Domestic Content Waiver Determination</b>
Racking Foundation Posts	Domestic Supply Available – No Waiver Required
Racking System (torque tubes and fasteners)	Domestic Supply Partially Available – Partial Waiver Required. Sourcing controllers, rails, and actuators would result in unreasonable costs that would add of approximately 20% to base cost. As such, the Domestic Content Requirement for sourcing controllers, rails, and actuators is hereby waived.
Solar Photovoltaic Modules	Domestic Supply Available – No Waiver Required
Inverters	Domestic Supply Unavailable – Waiver Required. Domestic inverters are currently not produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Sourcing string inverters domestically would require increased costs, design change, and permit modifications resulting in schedule delays. These schedule delays would likely result in failure to secure federal tax credits for the project, thereby significantly increasing total project cost by 40%. As such, the Domestic Content Requirement for inverters is hereby waived.
Main Power Transformer	Domestic Supply Unavailable – Waiver Required. Sourcing a main power transformer domestically would result in unreasonable additional costs of approximately \$800,000.00 and schedule delays from 20 weeks of additional lead time, which may result in failure to secure federal tax credits for the project, thereby significantly increasing total project cost by 40%. As such, the Domestic Content Requirement for the Main Power Transformer is hereby waived.
Big Lead Assembly System and Load Break Disconnects	Domestic Supply Available – No Waiver Required
Wire / Cable	Domestic Supply Available – No Waiver Required
Wire Management System	Domestic Supply Available – No Waiver Required
Interconnection Materials – Low Voltage	Domestic Supply Unavailable – Waiver Required. Sourcing these components domestically would result in unreasonable additional costs of approximately 10-15% and schedule delays from 10 weeks of additional lead time. As such, the Domestic Content Requirement for low voltage interconnection materials is hereby waived.
115 kV Circuit Breaker	Domestic Supply Available – No Waiver Required
115 kV Disconnect Switches	Domestic Supply Available – No Waiver Required
115 kV Instrument Transformers	Domestic Supply Available – No Waiver Required
34.5 kV Circuit Breakers	Domestic Supply Available – No Waiver Required

34.5 kV Disconnect Switches	Domestic Supply Available – No Waiver Required
34.5 kV Instrument Transformers	Domestic Supply Available – No Waiver Required
115 and 34.5 kV Surge Arrestors	Domestic Supply Available – No Waiver Required
Control Building	Domestic Supply Available – No Waiver Required

#### DOMESTIC CONTENT WAIVER DETERMINATION FOR THE SOMERS SOLAR PROJECT

In accordance with PAL § 1005 (27-a)(1), NYPA, on behalf of NYPA and NYRED, hereby issues this Domestic Content Waiver Determination, partially waiving the Domestic Content Requirements as set forth in the table above.

  
 Justin E. Driscoll  
 NYPA President and CEO

Date: 9/29/25