



**MINUTES OF THE
ECONOMIC DEVELOPMENT POWER ALLOCATION BOARD MEETING**

December 9, 2025

Table of Contents

<u>Subject</u>	<u>Page No.</u>
Introduction	2
1. Adoption of the December 9, 2025, Proposed Meeting Agenda	2
2. Adoption of the Minutes of the Meeting of September 23, 2025.....	2
3. ReCharge New York Power – New, Extended and Modified Allocations.....	3
4. Transfer of ReCharge New York Power Allocation.....	5
5. Adoption of the 2026 Proposed Meeting Schedule	6
OTHER BUSINESS.....	6
6. Next Meeting.....	6
Adjournment.....	7



Economic Development Power Allocation Board

KATHY HOCHUL
Governor

JUDGE CECILY MORRIS
Chair

Minutes of the Economic Development Power Allocation Board (“EDPAB”) meeting held on Tuesday, December 9, 2025, via videoconference at approximately 8:00 a.m.

Members of present were:

Cecily Morris – Chair
Dennis Trainor
Andrew Silver - videoconference

Also in attendance were:

Lori Alesio	Executive Vice President and General Counsel, NYPA
Karen Delince	Vice President and Corporate Secretary, NYPA
Eric Bowers	Vice President - Economic Development and Key Account Management, NYPA
Maribel Cruz-Brown	Senior Vice President – Customer Solutions, NYPA
Yale Brown	Expert Business Power Allocations and Compliance Analyst
Steve Vancol	Manager - Power Contracts & Tariffs
Chad Gholizadeh	Deputy General Counsel, NYPA
Felisa Hochheiser	Deputy Corporate Secretary
Sheila Quatrocci	Manager, Corporate Secretary
Michele Stockwell	Associate, Corporate Secretary
Fiona Khan	Senior Assistant Corporate Secretary

Chair Cecily Morris presided over the meeting. Vice President and Corporate Secretary Delince kept the Minutes.

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, 2025, Proposed Meeting Agenda

On motion made by member Trainor and seconded by member Silver, the agenda for the meeting was adopted. (3-0)

2. Adoption of the Minutes of the Meeting of September 23, 2025

On motion made by member Trainor and seconded by member Silver, the Minutes of the meeting held on September 23, 2025, were unanimously approved. (3-0)

Introduction

Eric Bowers, Vice President, Economic Development & Key Account Management, issued a brief introduction of the agenda items being presented to the Board.

➤ Recommendations Before the Board for Approval

Bowers highlighted that if the Board approves today's recommendations, EDPAB will have awarded to business and not-for-profits throughout New York State:

- 98 ReCharge New York Power allocations and extensions throughout the year.
- Two new Industrial Incentive Awards.
- One Industrial Incentive Award extension.

➤ Benefits of the Approved Recommendations

- The activities voted on have allowed new businesses to locate in New York State:
 - Create new jobs.
 - Support job retention for other businesses and not-for-profits.
 - Some are able to further expand their businesses.

➤ Report on Effectiveness of the ReCharge New York Power Program

- Staff has been preparing the Report on Effectiveness of the ReCharge New York Power Program to the Governor and Legislative Leaders.

- This report is provided every five years, pursuant to Economic Development Law, and highlights the key benefits and effectiveness of the ReCharge New York Power Program with respect to factors:
 - o Estimated electricity costs
 - o Employment
 - o Capital investment
 - o Industries served
- This report will be available by year-end and is submitted on behalf of the Economic Development Power Allocation Board and the Power Authority of the State of New York.

➤ **Agenda Discussion Items**

1. ReCharge New York Power Allocations, which covers new, extended, and modified allocations, presented by Yale Brown, Expert Business Power Allocations and Compliance Analyst.
2. ReCharge New York Transfers, presented by Steve Vancol, Manager - Power Contracts and Tariffs.

3. ReCharge New York Power – New, Extended and Modified Allocations

Yale Brown, Expert Business Power Allocations and Compliance Analyst, presented the ReCharge New York – new, extended and modified allocations requests.

➤ **Recommendation Requests**

- The Board is requested to recommend that the Trustees approve the following 51 recommendations, consisting of the following:
 - o Contract extensions for 14 allocations of ReCharge NY (RNY) Power to:
 - Existing customers totaling 4.4 megawatts
 - Supports nearly 7,900
 - o Five modifications related to:
 - Existing ReCharge NY allocations
 - Extensions, and/or related supplemental commitments
 - o 32 new allocations of ReCharge NY:
 - Large business retention
 - Large business expansion
 - Small business and not-for-profit-based power totaling 11 megawatts
 - Supports more than 3,900 jobs

• **Applications**

- All applications were submitted through the State's Consolidated Funding Application system.
- As in the past, new applications were evaluated on a competitive basis in consideration of the 12 criteria in the Recharge NY legislation.

- Some of the key criteria include:
 - Job commitments
 - Capital investment
 - Applicants 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
 - The Diversity, Equity, and Inclusion (DEI) Evaluation and Incentive Plan
- **Highlights of the RNY Power Allocation Approval**
 - Includes two applicants with qualifying green jobs.
 - 16 applicants with facilities located in Disadvantaged Communities.
 - Approximately 33 megawatts of RNY Power would remain available to allocate.
 - The awarded applicants will be offered ReCharge NY contracts for a term of up to seven years.
- **Contract Provisions**
 - 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
 - Capital investment

On motion made by member Trainor and seconded by member Silver, the ReCharge New York – New, Extended and Modified Allocations resolution was unanimously approved by the Board. (3-0)

RESOLUTION

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 14 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 either (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 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 is consumed, at least once during the term of the Extended Allocation, unless good cause is 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 energy 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 may wish to perform, and to 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 five modifications and 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 six 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 two 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 24 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.

4. Transfer of ReCharge New York Power Allocation

Steve Vancol, , Manager - Power Contracts and Tariffs, presented the transfer of an awarded allocation as required by the Public Authorities Law.

➤ Reasons for Transfer

- Reasons for which a customer may require the transfer of their award:
 - Business reorganization, which can include:
 - A corporate entity change, e.g. Inc. to LLC etc.
 - A merger or a split.
 - All resulting in a change of Federal Tax ID.
 - Sale of the Business to another Business (e.g., a merger):
 - Resulting in a change of Federal Tax ID.

- A move from one location in New York State to another location in New York State.

➤ **Transfer Request**

- Requests the Board to approve the transfer of a Recharge New York (RNY) Power allocation for a customer that manufactures dairy products which merged into another business that will continue the same business operations at the facility in Batavia.
- This item request is subject to:
 - Approval of the transfer of the RNY Power allocation by the Authority.
 - There being no material reductions in the base employment level or capital investment commitment associated with the allocation that would be transferred.
 - The transfer is addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfer.

➤ **EDPAB Recommendations for Trustee Approval**

- The transfer of a 2,080 kilowatt RNY Power allocation awarded to:
 - O-AT-KA Milk Products Cooperative, Incorporated, for use at its facility located 700 Ellicott Street, Batavia, NY, to O-AT-KA Milk Products, LLC, to address organizational changes.

On motion made by member Trainor and seconded by member Silver, the Transfer of ReCharge New York Power Allocation resolution was unanimously approved by the Board. (3-0)

RESOLUTION

RESOLVED, That the transfer of a 2,080 kilowatt (“kW”) allocation of Recharge New York (“RNY”) Power awarded to O-AT-KA Milk Products Cooperative, Incorporated, for use at its facility located at 700 Ellicott Street, Batavia, NY 14020, to O-AT-KA Milk Products, LLC, 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 (“Authority”) Board of Trustees; (2) no material reduction in the base employment level or capital investment commitments resulting from the transfer; and (3) the transfer shall be addressed in contract documents containing such terms and conditions determined by the Authority to be appropriate to effectuate the transfer.

5. Adoption of the 2026 Proposed Meeting Schedule

On motion made by member Silver and seconded by member Trainor, the Meeting Schedule was unanimously approved. (3-0)

OTHER BUSINESS

6. Next Meeting

Chair Cecily Morris stated that the next regular meeting of the Economic Development Proceeds Allocation Board is scheduled for Tuesday, December 9, 2025.

Adjournment

On a motion made by Member Trainor and seconded by Member Silver, the meeting was adjourned at approximately 8:13 a.m. (3-0)

Karen Delince

Karen Delince
Vice President and Corporate Secretary