CERTIFICATE AS TO MINUTES

The undersigned, Secretary to the New York State Energy Research and Development Authority ("Authority"), hereby certifies that attached hereto is a complete and accurate copy of the minutes of the 246th Meeting of the Authority, duly held on April 28, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Authority this 8th day of September, 2020.

Peter J. Costello
Secretary

SEAL

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

Minutes of the 246th Meeting

Held on April 28, 2020

Pursuant to a notice and agenda dated April 17, 2020 of the New York State Energy Research and Development Authority ("Authority") a meeting was convened on April 28, 2020 at 1:30 p.m. by videoconference.

The following Members of the Authority were present:

Richard Kauffman, Chair
Sherburne Abbott
Charles Bell
Kenneth Daly
Marie Therese Dominguez
Kate Fish
Jay Koh
Gil Quiniones
John Rhodes
Basil Seggos (by videoconference in Albany)
Mark Willis

Also present were Alicia Barton, President and CEO; Janet Joseph, Senior Vice President for Strategy and Market Development; John Williams, Vice President for Policy and Regulatory Affairs; Jeffrey Pitkin, Treasurer; Peter Costello, Esq., General Counsel; Sara LeCain, Senior Counsel; and various other staff of the Authority.

Mr. Kauffman called the meeting to order and noted the presence of a quorum. The Notice and Agenda were forwarded to the Members and the press on April 17, 2020. The meeting was held via videoconference.

The Chair indicated that the first item on the agenda was a report by the Authority's President and CEO, Alicia Barton to provide the Members with an update on the Authority's response to COVID-19. Ms. Barton noted that the Authority is following the guidance put out by Governor Cuomo on how to navigate the current situation during this time. She noted that the curve has begun to flatten and decline but cautioned that there is still a lot of work ahead in how to navigate the work of the Authority going forward. Energy workers have a significant role in the response to the pandemic, the New York Independent System Operators ("NYISO") and New York Power Authority ("NYPA") employees and other energy workers have in some cases been working around the clock to ensure that power is being supplied. Fuel distribution workers and electric sector workers have also continued to work.

Ms. Barton continued by outlining what a phased reopening would look like for New York. She noted that this would be a multi-state reopening that would take into consideration New York's regional characteristics. The reopening phases will be completed in 14-day increments to monitor new cases and hospitalizations. The first sector to be reopened will be that of low-risk manufacturing and construction.

Ms. Barton explained how the Authority has adapted in response to the new virtual work environment. She noted that the Authority's teams began teleworking on March 16, 2020, after the completion of a team remote readiness survey to ensure that all employees had what they needed to successfully complete their work remotely. She indicated that the Authority has had held regular all-staff meetings as well as constant communication with other State agencies to coordinate with State directives. Communicating as much as necessary has been a high priority given the inability to have in-person contact.

Ms. Barton noted that although the State is on pause, the Authority has not put its work on hold. Many of the Authority's initiative are still moving forward on schedule, including vendor payments, payroll processing, and issuance of solicitations. For example, NY Green Bank has completed financial closings and funding under the current remote work environment and there have been a number of filings submitted to the New York State Public Service Commission ("PSC").

Ms. Barton noted that the Authority's staff has been assisting in statewide calling efforts for the New York State Department of Health and the New York State Department of Labor, helping to reduce the backlog of unemployment insurance claims. The Authority has also sent a dedicated team to help Empire State Development to assist in sorting through incoming offers of assistance. Over half of the Authority's employees have volunteered to help with these various tasks at sister agencies.

In addition to assisting other agencies, Ms. Barton reported that the Authority also has its own responsibilities as far as energy assurance and emergency response activities. The Authority supports energy security and energy reliability for the State, as a member of the New York State Disaster Preparedness Commission. The Authority's role is to monitor the fuel supply market under the Emergency Support Function 12 along with other energy agencies. This includes understanding the petroleum fuel supply system infrastructure components and operational status, as well as what it will take in order to become fully operational. The Authority also serves as the nuclear and radioactive materials coordinator and radiological emergencies response under Emergency Support Function 5. The Authority is the State Liaison Officer to the Nuclear Regulatory Commission as well as the steward of New York State's interests at the Western New York Nuclear Service Center ("West Valley") Demonstration site.

Ms. Barton continued by providing an update on the status of the fuel supply system. The fuel supply is stable and there are also no unmet electric needs. Fuel pipeline operations both interstate and in-state remain flowing, in addition the petroleum terminal facilities continue operation. The Authority has played a role by defining fuel related essential businesses under Executive Order 202 and staying in communication with the fuel supply industry to be able to stay ahead of possible disruptions in the supply. Ms. Barton noted that the Authority has been tracking the demand and consumption of fuel and electricity statewide. The fuel demand has decreased by 50%, with a decline in electricity consumption by 10% statewide.

Ms. Barton addressed the status of the efforts at the West Valley site, noting that on March 21, 2020, the West Valley Demonstration Project transitioned to mission-essential operations, which meant cycling down on certain activities at the site during this time. Site security, safety

operations, and inspection of radiological security are continuing to be conducted. There is constant communication between Authority staff at West Valley and the U.S. Department of Energy to ensure that safe conditions are maintained. The State-Licensed Radioactive Waste Disposal Area has continued environmental monitoring and inspections while following social distancing protocols. Solar-powered video cameras have allowed remote monitoring of streams, slopes, and trenches between field visits.

Ms. Barton continued by highlighting the Authority's role in supporting the clean energy industry. She noted that during this pandemic this industry has suffered around 106,000 jobs lost, which is equivalent to a year's worth of energy work erased in the matter of weeks. It has been forecasted that the industry could stand to lose another 500,000 jobs in the coming months. These losses will impact the responsibility the Authority has to deliver, as mandated by State law, clean energy growth. Ms. Barton explained that the Authority has identified the first step in addressing this issue is to collect industry data through webinars, surveys, and hearing directly from affected businesses.

Ms. Barton continued to explain that the next step in this process is understanding how to return to work safely in this environment. This will be done with a regional reopening strategy that was announced by Governor Cuomo, along with other state governors throughout the Northeast. In order to stay on top of this, the Authority has been canvassing nationally and regionally other industries to see best practices for returning to work safely. While awaiting the time when the clean energy industry can begin work again, the Authority has made some changes to its programs to reflect the new circumstances including the extension of project deadlines and the addition of interim project milestones. These new guidelines have all been put in place with an eye to managing risk as well as protecting public dollars.

Another modification, noted by Ms. Barton, is that the next large-scale renewable and offshore wind solicitations will not be opened during this time. This decision was largely made on the fact that on-site research needs to be conducted for companies to be able to accurately bid on these projects and that is something the Authority believes cannot be done safely under the current circumstances.

Ms. Barton continued by describing other modifications that have been made to Authority programs. Within the Ground Source Heat Pump Program remote certifications have temporarily replaced on-site certifications. The Green Jobs-Green New York program will be offering homeowners low interest rates if they wish to undertake energy efficiency, solar, or heat pump installations. Workforce training has also adopted extended timelines and flexibility to accommodate during this time. The Authority has also been assisting the clean energy contractors to navigate the federal resources available including the paycheck protection program, so that small businesses can access assistance being offered.

Ms. Barton indicated that the Authority has identified tools and strategies that will be adopted now out of necessity but may benefit programs by making them more cost effective in the long run. There are technology solutions that do some of the on-site work that used to be done by companies, remotely, including assessment of residences for solar and heat pump installations. These solutions will help to reduce soft costs and improve the cost effectiveness of the Authority's clean energy products for the long-term.

Ms. Barton noted that the Governor and the legislature had to come up with and pass a budget during this health crisis, which included significant components related to climate and clean energy. Most importantly were the Accelerated Renewable Energy Growth and Community Benefit Act and the Restore Mother Nature Bond Act. The Restore Mother Nature Bond Act could be a significant opportunity to make strategic investments for the long-term. There have also been green tax credits for green jobs and several electric vehicle investments. The Accelerated Renewable Energy Growth and Community Benefit Act has established the new Office of Renewable Energy Citing, whose sole mission is dedicated to advancing the permitting of renewable energy projects. There are also important new initiatives around benefits for communities who host renewable energy projects. This Act specifically directs the Authority to develop a new program, the Clean Energy Resources Development and Incentives Program, which will lead an effort to direct and develop renewable energy projects on sites where it could be very beneficial, such as landfills and abandoned commercial properties.

Following Ms. Barton's presentation, Jay Koh noted that from a Member's perspective, that this challenging time would be more so without the energy reliability. Mr. Koh explained that the prior Board meeting in January discussed resiliency measures and cyber security analysis for remote operations, and he applauded management at how quickly they moved these into operational practices.

Kate Fish noted that the media coverage has shown that carbon emissions and air pollution have plummeted around the world, which moves the economy towards a more clean energy focused one.

In response to an inquiry from Ms. Fish, Ms. Barton explained that it is unclear what will unfold in the coming months between the two parts of the energy sector. It seems that the clean energy sector will be put on hold for a longer period of time, specifically the solar installers and other clean energy small businesses, just given that the demand for these services by consumers will potentially be significantly reduced. One of the many reasons for this decline would be that if consumers feel insecure about their finances, they may not be willing to undertake new clean energy investments at this time. In response to the change in the consumer market, the Authority will be looking to make changes to financing options available, so that consumers may be able to have more cashflow and savings earlier on in the process.

In response to an inquiry from Mr. Daly, Ms. Barton indicated that it is difficult to predict the effects of plummeting energy and fuel prices, and whether it will lead to an opportunity or more risk. With demand so low, it does create a window of opportunity to capitalize on lower energy bills, but at the same time there has also been an economic downturn that has affected consumers and businesses. The lower operating costs may prove to create some difficulties for all types of generators, including renewable energy generators. She noted that as of right now it is hard to tell what auction prices for the Regional Greenhouse Gas Initiative ("RGGI") may look like going forward.

Mr. Williams noted that RGGI is more long term and it seems that the auction prices will be steady, but there also could be some volatility due to the current circumstance.

In response to an inquiry from Mr. Kauffman, Vice Chair Quiniones noted that an important factor in all of this is that if small businesses do not receive stimulus money, then they will be less likely to make choices that require upfront investments. He explained that NYPA has been working to ensure that when the pause is lifted, they will be able to hit the ground running in hopes of resolving some of these possible roadblocks.

Mr. Rhodes stated that he believes that any investments that depend on the investment of personal funds by consumers and businesses will suffer a downshift. At the same time, he believes that the work will be safer work going forward, allowing it to begin as soon as the pause is lifted. He predicts that host communities will be intrigued by the opportunity that is brought by investing in renewable energy projects. With that, the State deficit is now much larger, so the focus on cost effectiveness will be more than in the past.

Commissioner Seggos noted that it will be a difficult financial picture going forward. He then noted that the State has been at work to move towards a clean energy economy for quite some time and that makes New York well-positioned to rebuild the economy using clean energy principles.

Ms. Barton indicated that clean energy is much better for public health, which will reinforce the demand in the market. Public health has become much more important, and the tie between air pollution and respiratory health has been made clear making clean energy appealing to New York.

Mr. Kauffman stated that the next item on the agenda was a report from the Chair of the Audit and Finance Committee ("AFC") Jay Koh. Mr. Koh reported that the AFC received a detailed presentation from the Authority's independent auditors, KPMG, LLP ("KPMG") on its proposed process for conducting the fiscal year 2019-2020 independent audit of the Authority's and New York Green Bank's financial statements. The AFC was able to ask questions and thought the approach was reasonable and that the final financial statements would meet the requirements of the Public Authority Accountability Act and the New York State Comptroller's regulations, including the delivery of all required opinions.

Mr. Koh continued, stating that the AFC also received a report from the Authority's Director of Internal Audit Mary Peck on her proposed Internal Audit Plan for fiscal year 2020-2021. Following a discussion, the Committee voted to approve the 2020-2021 Internal Audit Plan.

Chair Kauffman indicated that next was the Consent Agenda, which contained one resolution to be considered. Resolution Number 1585 approving the Periodic Contracts Report, which was included in the meeting materials for the Members to review. Counsel's Office compared the list provided by Members, of entities with which each Member is associated that he or she believe may enter into contracts with the Authority, to the list of Contracts in the Periodic Contracts Report. Counsel's Office reported that there were no potential conflicts.

Whereafter, upon motion duly made and seconded, by voice vote of the Members present, the following resolution was adopted.

Resolution No. 1585

RESOLVED, that the Periodic Contracts Report, covering the period December 16, 2019 through March 15, 2020, as presented at this meeting, including but not limited to the contracts identified therein which have been, or are expected to be, executed and which do have, or are expected to have, a period of performance in excess of one year, is hereby approved in accordance with Public Authorities Law Section 2879.

Mr. Kauffman indicated that the last item on the agenda was other business. There being no other business, upon motion duly made and seconded, and by unanimous voice vote of the Members, the meeting was adjourned.