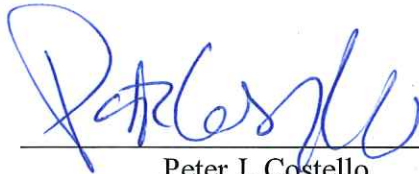


CERTIFICATE AS TO MINUTES

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 259th Meeting of the Authority, duly held on November 29, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Authority this

29th day of November, 2022.



Peter J. Costello
Secretary

SEAL

APPROVED this 12th day of December, 2022.



Kathy Hochul
Governor of New York

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
Minutes of the 259th Board Meeting
Held on November 29, 2022

Pursuant to a notice and agenda dated November 22, 2022, of the New York State Energy Research and Development Authority (“Authority”) a special meeting was convened on Tuesday, November 29, 2022, at 11:00 a.m. at the Authority’s Albany Office located at 17 Columbia Circle, Albany, New York and the NY Green Bank (“NYGB”) Office located at 1333 Broadway, Suite 300, New York, New York. The two locations were connected by videoconference.

The following Members of the Authority were present:

Richard Kauffman, *Chair of the Authority* attended from NYGB

Charles Bell, *Vice Chair of the Authority* attended from NYGB

Rory Christian attended from NYGB

Sadie McKeown attended from NYGB

Jay Koh attended from NYGB

Justin Driscoll attended from NYGB

Marie Therese Dominguez attended from Albany

Members Arturo Garcia-Costas, Sherburne Abbott, and Frances Resheske were unable to attend. Given the Department of Environmental Conservation’s separate role in the rulemaking, Member Basil Seggos recused himself from participating in the meeting and did not attend.

Also present were Doreen Harris, President and CEO; John Williams, Executive Vice President for Policy and Regulatory Affairs; Pam Poisson, Chief Financial Officer; Peter Costello, General Counsel and Secretary to the Authority; Sara L. LeCain, Senior Counsel and Secretary to the Committees; and various other staff of the Authority.

The Chair called the meeting to order and confirmed quorum. Notice of this meeting was provided to the Members and to the press on November 22, 2022.

The Chair indicated that there was one item on the agenda, the approval and adoption of the Appliance and Equipment Efficiency Standards. Codes, Products and Standards Program Manager, Chris Corcoran presented this item and provided the Members with a brief background of the State Appliance Standards.

In response to an inquiry from the Chair, Program Manager Corcoran confirmed that there were no changes to the anticipated net economic benefits as presented to the Members at the October 3, 2022 meeting.

Program Manager Corcoran explained that Authority's progress through the regulatory timeline toward the year-end deadline and noted public comments were received and compiled. Based thereon some non-substantial edits were made to the standards and the remaining timeline should put the Authority on track to have the Notice of Adoption of Rulemaking published on December 28th in advance of the January 1, 2023 deadline. The standards in the regulations will take effect 180 days later in June of 2023. In addition, it was noted that between the adoption and effective date, the Authority will launch its compliance program and begin working with manufacturers to prepare for the standards.

In response to an inquiry from the Chair, Program Manager Corcoran advised that a summary of the public comments would be provided later in the presentation and advised that the comments were not substantial and the changes made to the standards were minor and for clarification purposes.

Program Manager Corcoran then provided the Members with a summary of the standards continued to discuss the public comments. The Authority received 11 comments from 3 sources that focused mainly on clarification and adjustments to make sure the Authority is applying the correct standards in the right way. Program Manager Corcoran gave an overview of the proposed updates to the standards based on the public comments and advised that they are not substantial, so they do not require an additional comment period and are being proposed to move directly to

the Board for approval.

In response to an inquiry from the Chair, Senior Counsel Laura Rowe responded stating that it is up to the agency to determine whether a change is substantial, and based upon the definition of substantial change offered by the Department of State, as well as the opinion of outside counsel, it is the Authority's determination that these are not substantive changes.

The Chair asked if a formal determination or memorandum is required on whether the comments are substantive. General Counsel Peter Costello stated that this can be reflected in the minutes. Senior Counsel Rowe explained that the Department of State did not indicate that an official determination as to the comments is required at the time of filing. The Chair requested that a memo be drafted documenting the determination that the changes were not substantial and that the Board is acting based upon the determination of management.

Program Manager Corcoran continued noting an issue related to the incorporation of standards by reference and explained that New York State Law requires that copies of the standards referenced in regulation are available in paper form at multiple locations for public review. Reference standards were attained for most of the regulations, however there are a few issues obtaining the remaining necessary copyright permissions. References can be updated before enactment in June 2023, but if they are not included the regulation cannot be enforced.

Lastly, Program Manager Corcoran requested that the Members adopt a resolution approving and adopting Part 509 of Title 21 of the Official Compilation of Codes, Rules and Regulation of the State of New York, Appliance and Equipment Efficiency Standards.

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

Resolution No. 1680

RESOLVED, that Part 509 of Title 21 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Appliance and Equipment Efficiency Standards, as presented at this November 29, 2022 meeting, is hereby approved and adopted.

The Chair indicated that the last item on the agenda was other business. There being no other business, The Chair called for a motion to adjourn.

Whereafter, upon motion duly made and seconded, and by unanimous voice vote of the Members present, the meeting was adjourned.