

Mandatory Pre-bid Conference - August 10, 2015

DISTRIBUTED PHOTOVOLTAIC (PV)
SOLAR GENERATING FACILITIES
MANDATORY PRE-BID CONFERENCE

DATE: August 10, 2015

TIME: 9:00 a.m. to 10:39 a.m.

ROOM: B22

LOCATION: Albany, New York

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2 MR. MARTUSCELLO: Okay. Good morning. We're
3 going to get started.

4 I'd like to welcome you all to the mandatory
5 pre-bid meeting for R.F.P. DOCCS number 2015-06, for
6 -- to our Solar R.F.P.

7 My name is Daniel Martuscello. I'm the Deputy
8 Commissioner for Administrative Services for DOCCS
9 and I'm the Executive Sponsor for this R.F.P.

10 I'd like to thank you for coming this morning.
11 The Department is really excited about this endeavor
12 and the request for proposal that we published for --
13 to offer five parcels of land at five facilities as
14 well as the ability of remote net-metering of the
15 remaining of our meters across the state, using
16 private land. We feel that this endeavor will assist
17 in moving forward the Governor's vision as outlined
18 in Executive Order 88.

19 I have my team here with me today. I want to
20 take a minute and let them introduce themselves.

21 MR. RUPERT: Keith Rupert. I work in the
22 Division of facility planning.

23 MS. KILEY: I'm Kathy Kiley from counsel's
24 office.

25 MS. TURO: Carol Turo, the Contract Procurement

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2 Unit.

3 MR. GAMBACORTA: David Gambacorta, Contract
4 Procurement Unit.

5 MS. LENNARD: I'm Chris Lennard from the -- also
6 from counsel's office.

7 MS. WEBER: Ellisa Weber from Director of Solar
8 Use Planning.

9 MR. MARTUSCELLO: Okay. Thank you.

10 I'd also like to take a minute to go around the
11 room and have each of the companies introduce
12 themselves. Your name and the company you work for.

13 So, you sir?

14 MR. CARR: Sure.

15 Tim Carr with Monolith Solar.

16 MR. GUAY: Ryan Guay with National Energy
17 Partners.

18 MR. DICKERSON: Ben Dickerson, C.I.R. Electric.

19 MR. CHERNOWETZ: Gary Chernowetz, Beneficial
20 Energy Solutions.

21 MR. SCHNEIDER: Stephen Schneider, Sunlight
22 General Capital.

23 MR. ZACHARY: Bill Zachary, also Sunlight
24 General.

25 MR. EDWARDS: Matt Vanderbrook, Sustainable

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2 Energy Developments.

3 MR. THOMAS: Josh Thomas, Positive Energy

4 Partners.

5 MR. ALLEN: David Allen, B.Q. Energy.

6 MR. BLEVIN: Andrew Blevin, Safari Energy.

7 MR. HALZ: Bob Holtz, Nexamp.

8 MR. MARTUSCELLO: Sir?

9 MR. BARRETT: Henry Barrett, Kearsarge Energy.

10 MR. PRESCHKE: Walt Preschke, Aerion Energy

11 we're currently with Zero Draft.

12 MR. BOYLAN: Travis Boylan with Zero Draft.

13 MR. CULLEN: Brett Cullen, SoCore Energy.

14 MR. B. HENNESSY: Hi. Brian Hennessy, American

15 Capital Energy.

16 MR. J. HENNESSY: Jack Hennessy, American

17 Capital Energy.

18 MR. MARTUSCELLO: Okay.

19 MR. STONE: Phil Stone, HESP Solar.

20 MR. VERHAGUE: Nate Verhague, Solar Liberty.

21 MR. GARRITY: Rob Garrity, Borrego Solar.

22 MR. REED: Andrew Reed, Borrego Solar.

23 MR. KENNER: Marcus Kenner, SOL Purpose.

24 MR. KACANDES: Tom Kacandes, SOL Purpose.

25 MR. MARTUSCELLO: I have two other DOCCS

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2 employees in the back.

3 Can you introduce yourself?

4 MR. BENDLIN: My name is John Bendlin. I work
5 for the Facility's Planning Services Division.

6 MR. ADALIAN: Jim Adalian, Facility Planning
7 Services also.

8 MR. MARTUSCELLO: All right. Again, I want to
9 thank you for coming and I'll introduce Carol Turo,
10 Contract Procurement Specialist overseeing our
11 Contract Unit. Carol.

12 MS. TURO: Thanks, David.

13 I'm just going to, for a moment, talk a bit
14 about like our -- our meeting structure, how this
15 will go. We're scheduled in this room for nine to
16 twelve-thirty. If we -- if we have to, we can go
17 over a little bit. The room is secured for a little
18 bit more time.

19 We will -- Keith will be coming up after me and
20 Keith has got a Power point and we'll be going
21 through all of the R.F.P. We will be holding
22 questions at the end, but let me talk about a couple
23 of other things first that are important.

24 Housekeeping, you all managed to find this room,
25 which is not an easy thing to do. We found a few

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2 people wandering around the halls, so we hope
3 everybody got here.

4 Men's Room, out this door. You go right and
5 then left. It's right down the hall. There's
6 additional men -- men's rooms upstairs. Ladies'
7 rooms are upstairs.

8 We have a transcriber today. This is Mr.
9 Hubbard. Mr. Hubbard, there -- has microphones
10 around the room. When we reach the question-and-
11 answer period, you will be asked to speak in to a
12 microphone. State your name and speak clearly
13 because the proceedings will be recorded. He will
14 then, after this meeting, transcribe the recordings
15 and that will become part of the procurement record
16 and the -- the entire transcript will be posted. So,
17 if you're thinking you have to furiously take a lot
18 of notes, you will be getting a -- a -- a verbatim
19 transcription of this session, within the coming week
20 or so.

21 We will be saving questions to the end, in the
22 interest of how detailed and dense our material is
23 and the number of people. We'll be holding answers
24 till that time.

25 And also, just so you know, every -- everything

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2 that -- that comes out as an official document, be --
3 that may be an addendum. One addendum has been
4 issued already, probably most of you know that. We
5 emailed it to people who were registered for this
6 session. If anyone didn't get it, I can get that to
7 you. I brought copies, but any -- any such addendum
8 or the transcript from Mr. Hubbard, will be posted on
9 the DOCCS website and that's the website right there,
10 which it's the same place where you found the R.F.P.
11 Okay.

12 We're going to be talking at -- you've probably
13 read in your R.F.P. some things, if you've done any
14 work in contracting with New York State already, you
15 may know about these things, but we will be talking
16 about three things. Vendor responsibility, M.W.B.E.,
17 which is Minority and Women Business Enterprise
18 Initiatives and also, Service Disabled Veteran Owned
19 Business Initiatives, also known as S.D.V.O.B.

20 Vendor Responsibility Questionnaires will be
21 required from everyone who submits a bid. You'll --
22 we -- you are permitted to submit a paper
23 questionnaire. We highly encourage you however to go
24 online, the information is in your R.F.P., you'll
25 register, if your company hasn't already done so.

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2 You'll register and complete a Vendor Responsibility
3 Questionnaire and this is a -- one of the means that
4 we use to determine if your company is considered
5 responsible by definition of the procure --
6 procurement policy.

7 Secondly, M.W.B.E., as of January of this year,
8 the Governor of New York has increased our
9 requirements for M.W.B.E. subcontracting to thirty
10 percent. That's fifteen percent women and fifteen
11 percent minority. Not every procurement achieves
12 thirty percent. Some are eighty percent or a hundred
13 percent, some are less, but everyone doing business
14 with New York State, is expected and required to make
15 a diligent effort to determine if there are certified
16 minority or women-owned businesses that you can do
17 some of your subcontracting with. So, I recommend
18 you read that part carefully in the R.F.P.

19 Last but not least, a fairly new initiative in
20 New York is called -- is for Service-Disabled
21 Veteran-Owned Businesses, somewhat like M.W.B.E.
22 These are businesses that are certified as Service-
23 Disabled Veteran-Owned. New York State has set a
24 goal of six percent of our procurement be set aside
25 for S.D.V.O.B. So, again, the information is in the

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2 R.F.P. about that and you are expected to pay
3 attention and -- and due diligence with those
4 requirements.

5 Any -- any questions about the housekeeping
6 stuff or this intro-stuff? Any questions about what
7 we're going to do today, procedures?

8 Thank you.

9 Keith Rupert is --.

10 MR. MARTUSCELLO: No. It's Kathy.

11 MS. TURO: Oh, I'm sorry.

12 Kathy Kiley, Counsel, is going to go over a few
13 things first.

14 Sorry, Kathy.

15 MS. KILEY: No problem.

16 Okay. Good morning.

17 I wanted to go over a couple things with you
18 before we proceed, before we get in to the meat of
19 the R.F.P.

20 First off, pursuant to the State Finance Law,
21 Sections 139 J and K, it is imperative that you speak
22 to only Carol Turo or David Gambacorta from, you
23 know, this -- well, actually from the date that the
24 R.F.P. was published to the date the actual contract
25 is approved by O.S.C. and the Office of the Attorney

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2 General. We've had problems in the past where people
3 have -- vendors have contacted other people in the
4 agency and that actually creates then, like a -- an
5 ethical issue and we don't want that to happen. So,
6 it's really imperative that you speak to either only
7 Carol or David.

8 The other thing is, I just wanted to point out,
9 there's general terms and conditions on page thirty-
10 two It's very, very general. I'm not going to
11 belabor the point. I'm not going to get in to like
12 all the in-depth points of that, but I want you to be
13 aware of it and please read it over.

14 The Power Purchase Agreement is on Attachment
15 Nine. Please make sure that you take a look at it.
16 That's actually going to be something that's going to
17 later be negotiated, but what I need to tell you,
18 too, is that you're going to have the Power Purchase
19 Agreement, I'm sure you all are familiar, the
20 Performance Guarantee, which is Attachment Ten and
21 then you're going to have the R.F.P. and all the
22 other attachments. That actually creates the
23 contract.

24 So, anything that's in the R.F.P. or the
25 attachments, is actually going to be part of the

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2 ultimate contract, so make sure you read over
3 everything very, very carefully. That's also going
4 to include the project assignment, which is
5 Attachment Twenty-seven and the non-disclosure, which
6 is Attachment Twenty-five.

7 If, you know, that's another thing that I really
8 wanted to point out is make sure you read through the
9 entire R.F.P. Make sure you understand everything.
10 Make sure you answer everything.

11 We've had instances where the mandatory
12 qualifications are not responded to. Sorry. And
13 what we've had is -- where, we've had to like
14 disqualify a -- a contractor -- or, you know, a
15 potential contractor, for something very, very
16 minute, such as like an organizational chart or
17 something and that has happened in the past and that
18 would be very, very unfortunate. So, make sure you
19 read it. Make sure you answer everything. Make sure
20 you fill out all the paperwork. Have somebody else
21 review it before you submit it.

22 Okay. So --.

23 MS. TURO: Could I add something to that, Kathy?

24 I always recommended, you know -- Kathy
25 mentioned all these forms that are towards the end of

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2 your packet of the attachments. Many of them have --
3 are to be completed and signed and you may not be the
4 person that signs them. It might be another person
5 in your organization.

6 Also, some of the forms have to be notarized.
7 We've known a few bidders before who've gotten in
8 trouble with a timely bid, simply because they waited
9 too long to address those forms, or that Vendor
10 Responsibility Questionnaire thing that I mentioned,
11 that you go online and submit. Don't wait till the
12 last minute. Either engage somebody else now in your
13 organization to get started on that stuff, but don't
14 -- don't wait until you have a time crunch.

15 MS. KILEY: And that is important because --
16 Carol's exactly right. We want to make sure that
17 you're not doing everything last minute. I realize
18 that this is very, very tight timeframe, but make
19 sure that you get your team together and that you
20 read everything very carefully, fill it out very
21 carefully, you know, this is very -- obviously a very
22 technical R.F.P., so we just want to make sure that
23 you, you know, submit everything and you don't get
24 disqualified for some, you know, ridiculous reason,
25 which would be, you know, very unfortunate. So,

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2 okay.

3 Thank you.

4 MS. TURO: Keith?

5 MR. RUPERT: Thank you.

6 Good morning. Thank you for coming.

7 I'm going to talk about the technical aspect of
8 the R.F.P. I work in the Division of Facilities
9 Planning as I mentioned. I work for Director Elisa
10 Weber, who's in the front row.

11 We've put together this R.F.P. to the best of
12 our ability, based on experiences of other state
13 agencies, based on information we found with regards
14 to what's going on nationally and so forth. I'm not
15 foolish enough -- enough to believe that it's a
16 perfect R.F.P., but it's what we have to work with.

17 So, as Carol said we're going to answer your
18 questions at the end. So, what I wanted to do is
19 just give you a little brief history of the
20 Department of Corrections --

21 MS. TURO: Keith --

22 MR. RUPERT: -- in case --

23 MS. TURO: -- can we --

24 MR. RUPERT: -- you're not aware of that.

25 MS. TURO: -- can we just verify, can everyone

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2 hear you -- him okay?

3 They're not hearing you in the back.

4 MR. RUPERT: Oh.

5 MS. TURO: Can we -- is that --?

6 MR. RUPERT: How about now? Can you hear it?

7 Is that better?

8 Thank you.

9 A little history of Corrections, Corrections is
10 the fourth largest prison system in the country. Not
11 proud of that, but we are. We have fifty-four
12 facilities, fifty-three thousand individuals within
13 those facilities and another thirty-six thousand
14 under parole supervision. Almost four thousand
15 buildings, which is a lot of buildings, especially
16 when you look at the square footage. Think of all
17 those roofs you guys can put those solar panels on at
18 those facilities, which we're not going to do by the
19 way. I just thought I'd say that.

20 We've got twenty-four thousand acres of land.
21 We have an annual budget of two and a half billion
22 dollars and with capital, it's a three billion dollar
23 a year budget. We spend twenty-six million dollars
24 each year on electricity, so you can imagine that
25 we're very motivated to save money and natural

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2 resources.

3 This proposal basically seeks to purchase clean,
4 renewable, solar-generated power, at one or more of
5 our correctional facilities. When we go through the
6 Type-One and Type-Two, as Mr. Martuscello said, the
7 five biggest that we feel have potential, are the
8 five facilities where we have land available for you
9 to put the systems on. The other forty-nine
10 facilities, would have to be located remotely to the
11 facilities on property obtained by you folks somehow.

12 Type-One, Eastern, Greenhaven, Great Meadow,
13 Mid-State and Wende. Maximum, maximum, maximum,
14 medium, maximum.

15 Type-Two systems, the forty-nine as I said.

16 In your R.F.P., you should see Table One and
17 Table Two. I didn't printout a -- a new R.F.P. for
18 everybody coming today. I trust you all brought
19 yours, I hope. We do have a couple copies in the
20 back if you need it, if you forgot it.

21 A couple of things that I just want to point out
22 in the R.F.P. is we're looking for a total turnkey
23 project. Again, at the five sites, we own the land,
24 you will own, design, build, finance, operate,
25 maintain, everything -- turnkey. All we want to see

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2 is the reduced bill from the electricity we purchase.

3 Right now, we're looking at a twenty-year Power
4 Purchase Agreement. We didn't put any extensions on
5 it. I know twenty-five years is the max permitted by
6 the P.S.C. at this point.

7 Part of our process, as you can imagine, DOCCS
8 is very -- everything in order. We need to know
9 predictability-wise and that includes our budget.
10 It's easier to say this is the length of the -- of
11 the project, this is what we expect to save, budgets
12 happy with it, our operational people are happy with
13 it and it works out well for us.

14 Remote net-meter, we're not sure if the five
15 facilities that we had mentioned as Type-One are
16 economically viable to be net-metered or behind-the-
17 meter metered because the distances between the land
18 where our incoming electrical services are. That's
19 something that you folks can tell us, but I think
20 between the monetary incentives that DOCCS qualifies
21 for, it's just as easy to remote-net meter, even the
22 facilities with the land if the electrical systems
23 are nearby. It's going to be cheaper, basically.

24 Looking for up to two-megawatt systems. Your
25 packages have all the electrical consumption

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2 information for all of our prisons. We have some
3 that are very close to two-megawatts. I -- I don't
4 think we have any that are over, but if we do, it may
5 be one or two. Most are -- are down between the one
6 and one point five range. Actually one point three,
7 one point five. So, there's possibilities there.

8 You all know what the standard connection
9 requirements are, published by the P.S.C., used by
10 the utilities to evaluate your applications and
11 proposals.

12 The Public Opportunity Notice, three zero eight
13 two, is again, you know, I'm not telling you guys
14 anything you don't know already, where you can get
15 some of the money to help fund this and offset the
16 costs. The one thing is you have to be a
17 participating contractor. I don't know if you
18 already are. Maybe you are, maybe you're not. I
19 don't know the timeframe that it takes to become one.
20 Hopefully it's not too long, being NYSERDA and their
21 efficiency.

22 Mentioned earlier, monetary performance-based
23 incentives. Our R.F.I. was issued on March 17th,
24 which grandfathered us in to the monetary incentive
25 program. We're not interested unless we get feedback

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2 from you in looking at the voluntary -- or I mean,
3 the volumetric performance incentives. I notice as
4 of the -- last week, that the price per block on the
5 New York Sun webpage, showed a higher rate for the
6 volumetric, but again, you know, the ability to gain
7 greater advantages with monetaries, what everybody
8 would like to do because of all the arbitrages and
9 everything else that's possible. So, we were
10 grandfathered, we worked hard. Everybody with DOCCS
11 worked hard to put that R.F.I. out before the May 1st
12 and then June 1st deadline.

13 I mentioned it before, everything is on you. If
14 there's hidden costs that you don't mention in there,
15 those are on you, too. It sounds selfish, but we
16 don't want to pay for anything. Again, we just want
17 to benefit. Hopefully, there is opportunities for
18 you to make money and us to see a slight decrease in
19 our expenses and the federal tax incentives, which is
20 also a big funding opportunity.

21 Local utilities, actually state-wide utilities,
22 NYSERDA, you need to get to them early. I know that
23 at least one party in the room contacted National
24 Grid, talked with Mike Polowa (phonetic spelling). I
25 read the email and it seemed like I was the one that

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2 let Mike know that he's the contact for National Grid
3 for solar. Well, he called back, I said Mike, it's
4 in the publications for the SUNY, for the PON and so
5 forth, you're the -- the main contact. He wasn't
6 aware of it, so I don't know who's doing the
7 applications over at National Grid, but hopefully you
8 sent it to the right person. You probably know who
9 they are better than I.

10 Mike did mention to me, based upon his
11 experience -- so this is where he let me in that he
12 was involved a little bit, but the greatest delays
13 that they see are inaccurate, incomplete submissions.
14 It can be time consuming as you know, forward and
15 back, forward and back, correction, more questions
16 and so forth. He could not stress enough for
17 everybody to really read these documents.

18 And I asked him, is, you know, is this a case
19 where the big guys are getting it right and the
20 little guys aren't and he said no, you'd be
21 surprised. Even the big guys, which may be some of
22 you and you know, are also not getting it right and
23 causing the back and forth.

24 So, we ask you, we stress, we beg, please, you
25 know, get these things right because as was

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2 mentioned, time is very critical, very short. The
3 utility has fifteen days for the preliminary study,
4 sixty days for the comprehensive if required.
5 According to National Grid, based upon a two-megawatt
6 system, more than likely, a comprehensive audit will
7 be required.

8 Again, one point five years, their experience,
9 cradle to the grave. So, if you think about today in
10 comparison to December 31st of 2016, I think we're
11 under one point five.

12 This will be considered a public-works project.
13 By law, public-work projects in this state require
14 prevailing wages to be paid to workers. As
15 employers, go to the Department of Labor's website
16 and you can get all the information you need on the
17 latest rates.

18 DOCCS security procedures, Attachment Twelve in
19 your R.F.P. You won't be working inside the facility
20 unless we do a net-metered project, puts it behind
21 the meter, but you will be on DOCCS property so there
22 will be various things that will be required of you.

23 The biggest ones, as you can imagine, no guns,
24 no drugs, no alcohol. I do not know, it may -- it'll
25 be a facility-specific preference as to whether they

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2 will have a officer out there to inventory your tools
3 on your trucks to make sure that none get left on the
4 site.

5 The maximum-security prisons, I don't know if
6 they have anybody on the outside like they used to in
7 the old days. I -- I shouldn't have said that. In
8 years past, where inmates would cut the grass and so
9 forth outside the maxi, but again, it would be a -- a
10 facility-specific, if the superintendent wants A, B
11 and C, then he or she will get that, so just be
12 prepared. If you do go inside to work on electric,
13 you need to consider the time to get through
14 security.

15 Forty-nine lots, for the Phase-Two facilities.
16 We have given a lot of emphasis in the way we wrote
17 the R.F.P., so that it was available to the big -- to
18 the little companies. If you want to bid on one lot
19 in a region that you work in, that's fine. If you
20 want to bid on them all, make my life easier, it
21 would be great, but, you know, you can pick and
22 choose between the forty-nine and you can couple that
23 with the Type-One facilities also.

24 The -- well, Kathleen mentioned also, it's
25 critically important -- critically important to

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2 submit the information. The -- the evaluation -- the
3 proposal and the evaluation, again, we modeled this
4 after a couple of SUNY successful R.F.P.s, at least I
5 think they're successful. Three packages, your
6 qualifications, your project-specific information and
7 your cost proposals. If you're bidding on more than
8 one, we only need one qualification's package, as
9 long as it covers both type systems that you want to
10 bid on.

11 Project specific, as the R.F.P. says, is
12 information with regards to each project. It can be
13 everything -- well, so everything from the size to
14 the type of panels that you're going to use, to nuts
15 and bolts.

16 And then the cost proposal should be sealed in
17 this package. We do not consider the cost proposal
18 upfront. As you've seen in the R.F.P., we're using a
19 matrix-scoring system, where the things are weighted
20 and each one will be evaluated -- each one of your
21 submittals -- submittals will be evaluated based upon
22 its content in relation to what it is the R.F.P.
23 says. Meaning, you're not going to be against each
24 other. We're not comparing yours to yours to yours.
25 We're comparing yours to what it is we need or want,

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2 if you will.

3 The contract will include and be part of the
4 P.P.A., the P.G., the content of your response to the
5 R.F.P. or the -- and the bidder's proposal as well as
6 the content of that document. There's a lot of
7 requirements in it. Again, read, read, read and
8 hopefully will be successful.

9 Twenty-seven attachments I was hoping to hitting
10 thirty, nice round number. I stopped at twenty-
11 seven. I figured I lost you around fifteen.

12 There's some really simple things like aerial
13 photo -- well, not simple but the state map and the
14 utility maps and all the stuff that I know you all
15 have, but we had to write this for people that may
16 not be as knowledgeable on solar systems. They may
17 be just putting their toe in the water, and so forth.
18 So, I apologize if some of it is parochial to you,
19 but we had to do that.

20 Section Two dash One, in all cases DOCCS will
21 only purchase electricity at or below the market
22 price DOCCS is currently paying through O.G.S. for
23 ISO power. O.G.S., the Office of General Services, a
24 sister agency, has purchased our electricity, our
25 natural gas, our oil and so forth, utilities for many

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2 years, many, many years, they're able to use the
3 benefits of economies of scale, as you see.

4 Recently, within the last four years, five
5 years, they became a direct customer. O.G.S. became
6 a direct customer of the independent system operator,
7 which allows them access to wholesale power rates.
8 They aggregate the Department of Corrections and a
9 few other state agency -- large state agencies and
10 buy a lot of electricity. I'm not sure if they're
11 doing them a day ahead or what, but DOCCS sees a
12 benefit in a reduced cost per kWh.

13 I've included in the R.F.P., Attachment Eleven,
14 which is a snapshot or a -- not a snapshot, but it's
15 a summary of the last -- I think 12 through '14
16 years. 2012 through '14, to see where the averages
17 are.

18 I'm still a little fuzzy in my mind how this is
19 going to be structured because the price that you
20 offer over that period, is your speculated
21 anticipated revenue streams. How that compares to
22 what actually happens with the electric market, I'm
23 not sure. I don't know if we're looking at a -- a
24 price-escalator factor or, you know, ties something
25 to the cost of energy. We'll be thinking really hard

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2 on that, hopefully in our discussion in a few
3 minutes. You guys can help me -- help us with that
4 discussion.

5 All right. Addendum One was talked about, need
6 to revise schedule again. Addendum One revised the
7 schedule once based upon some valuable information
8 that was inputted to us in the form of a question.

9 MS. TURO: Is there anyone that does not have a
10 copy of Addendum One?

11 Do you have it?

12 MR. RUPERT: The last slide after this has the
13 schedule in accordance with Addendum One and I'll put
14 that up in a minute because I think that's a thing
15 that we all want to talk about.

16 I just want to go through -- so I'm saying we
17 can discuss the schedule if there's any ideas and a
18 unanimous consensus on how we can change it to
19 shorten it and give you more time. We are certainly
20 open for discussion.

21 Site visits are going to occur over the next
22 three days. They're scheduled for the next three
23 days. They're non-mandatory. Everybody's welcome
24 that's in this room. If this room wants to cut a
25 week out of the process, it won't hurt my feelings if

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2 you want to cut out the site visits, but you know,
3 they're valuable for you to be able to see the lay of
4 the land, any blocking trees or -- or mountains. The
5 Eastern Correctional Facility is right along the
6 Shawangunk Mountains, so there may be a no-sun-till-
7 noon type of situation there, which is not good.

8 Is a twenty-five year performance -- yeah,
9 performance agreement the better choice? Or would it
10 be wise for us to extend it to that to give you a
11 greater amount of time to recoup your -- your costs
12 and -- and make additional profit. I want to hear
13 your thoughts on that.

14 And then storage, some people have proposed
15 storage for the solar system. This is -- it's not in
16 the R.F.P., but we could put it in the R.F.P. Or
17 better yet, you can submit on it as, you know, a
18 recommendation. We're welcoming everybody who may or
19 may not want to use storage to submit in your
20 response, a storage system.

21 And then finally, other possibilities. Again,
22 we're open to ideas and here's our key dates. The
23 ones in red were modified by Addendum One. We moved
24 it up, I think, by a month from a February date for
25 the start to January 4th. If this group sees and

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2 recommends and everybody's comfortable with changing
3 those a little bit more, we would love to hear from
4 you.

5 That's the end of the formal presentation, so I
6 would love to go in to the questions and -- and
7 please go easy on me because I'm not as smart at this
8 stuff as you guys are and if we don't have the
9 answer, we will be getting it to you in writing.

10 So, are there any questions?

11 MS. TURO: Could -- before we have our questions
12 start, I would make sure everyone understands that
13 any information presented today, in way of an answer
14 is considered an unofficial response. Sometimes we
15 go back after and we discover maybe we didn't give
16 exactly the right information or there should be a
17 little more information. Your official answers will
18 be the answers that come in writing with the
19 transcript from the proceedings.

20 MR. RUPERT: Yes, sir.

21 MR. CULLEN: So, just for clarification purposes
22 -- Brett Cullen SoCore Energy Incorporated.

23 Just for clarification purposes, it sounds like
24 the department may actually entertain a non-remote
25 net-meter structure. So, if it is indeed economical,

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2 say SoCore can offer a lower price for a behind-the-
3 meter sort of array instead of a remote net-metering,
4 the department would consider a structure, or --?

5 MR. RUPERT: Yeah, I think so. You know, we're
6 open to all ideas. Like you said, if it's going to
7 offer a -- a lower price than we would get by remote
8 net-metering, the same system, yes. I would say that
9 that's wise.

10 I think that would take it -- I'm not sure if it
11 would take it from the monetary to the volumetric
12 form incentives because our original R.F.P., I don't
13 think spoke about net-metering those. I would have
14 to check. But we can make that chance. We could put
15 that out there as an addendum, as a possibility to
16 entertain anything that's more cost-effective than
17 what was proposed. I feel comfortable saying that.

18 Yes, sir.

19 MR. DIAMOND: Good morning.

20 Ian Diamond from Solar City. I have a two-part
21 question. Please -- please help us understand the
22 nature of the relationship with the utilities.

23 MR. RUPERT: Relationship between DOCCS and the
24 utilities?

25 MR. DIAMOND: Yes. Utility groups?

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2 MR. RUPERT: Yes. Well, we pay a transportation
3 fee and we also pay through O.G.S., the commodity
4 fee. How it's billed, the state of New York just
5 recently reorganized the financial system and came up
6 with business service centers where now the bills go
7 to there instead of our facilities. So, any billing
8 or any credits or any of that stuff, has to go
9 through them.

10 How that's going to happen, I'm certainly not
11 the expert on that. I'm looking at Ms. Weber to see
12 if she has any comment. She's shaking her head no.

13 MR. DIAMOND: So -- so, the second part of the
14 question relates to Attachment Eleven and the
15 specification about the rates need to be below your
16 ISO rates. However, if you're talking about remote
17 net-metering situations where the value of that
18 electricity supplied would be the tariff values.
19 So, it doesn't quite really relate to your ISO costs.

20 MR. RUPERT: Okay. You've passed my level of
21 intelligence. Can you explain that again?

22 MR. DIAMOND: Yes. So the remote net-metering
23 rates --

24 MR. RUPERT: Right.

25 MR. DIAMOND: -- in regards to what you're being

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2 charged relative to utility tariff for those land
3 uses --

4 MR. RUPERT: Okay.

5 MR. DIAMOND: -- they won't -- won't relate to
6 your ISO supply.

7 MR. RUPERT: Right now, we -- we pay anywhere
8 from four cents to seven or eight cents, I think, at
9 our worst facility per kWh. I guess, you know, in my
10 mind, I think they're coupled. I mean, aren't they?
11 You're going to be -- we're going to be paying at the
12 rate of the tariff for net-metered power, right and -
13 -

14 MR. DIAMOND: Yes.

15 MR. RUPERT: -- metered power.

16 MR. DIAMOND: That relates to what the utility
17 fault rates. It doesn't relate to your supply rates.

18 MR. RUPERT: Right. There's two components.
19 There's the transportation and -- and the commodity,
20 right? We're buying commodity from you guys, right?

21 MR. DIAMOND: Yes, but the key thing is -- is
22 that you need to decouple this from what you're
23 paying for -- for remote net-metering, where we're
24 talking about rates -- you need to decouple it from
25 your ISO payments.

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2 MR. RUPERT: Okay. Not to belabor this, but --
3 belabor this, can you -- well, we're going to have
4 that question now on -- on the record and I will talk
5 with people that are very expert in this arena on
6 purchasing electricity and so forth. New York Power
7 Authority has resources that we've been drawing on
8 also, so we will get an answer out to everybody on
9 that, clarifying that.

10 I appreciate you pointing that out, you know,
11 that's -- that's interesting.

12 Now, in your experience with them decoupled is
13 going to result in --

14 MR. DIAMOND: Much greater value

15 MR. RUPERT: Much greater value we like that.
16 Absolutely.

17 Any other questions?

18 The R.F.P. was that good, nobody has any
19 questions?

20 MS. TURO: Uh-huh.

21 MR. RUPERT: Yes, sir.

22 MR. DIAMOND: Can you -- relative to incentive
23 values, the R.F.P. does not state a particular
24 incentive value for purposes of comparisons. Would
25 you like to specify a watt-level to -- to be able to

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2 compare rates?

3 MR. RUPERT: No. Again, I -- I'm going to defer
4 to -- to reading the question and be able to think
5 about it and giving you the right answer, but you're
6 not allowed to answer any -- ask any more questions.

7 Everybody else?

8 You just submit a -- no, I'm sorry, sir. I'm
9 just kidding. I'm picking on you.

10 Yeah. Those are very important questions to
11 make sure you have the right answers obviously. So,
12 again, thank you. I'm going to -- our office will
13 research that and get that out to you hopefully this
14 week. We are on the road for the next three days,
15 for the site visits, but I certainly have my phone, I
16 can call and -- and make this stuff available. I
17 don't know what the timeframe for the transcripts
18 are, but the second I have them -- or if you would
19 like, if you could and I don't want to burden you,
20 but if you want to write those two questions down and
21 transmit --

22 MR. DIAMOND: All right.

23 MR. RUPERT: -- it to Carol or --

24 MS. TURO: Yeah.

25 MR. RUPERT: -- David --

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2 MS. TURO: That's the --

3 MR. RUPERT: -- we can --.

4 MS. TURO: -- that's preferable and any
5 questions that you have that we aren't answering in
6 the room today, get those questions in writing to the
7 mailbox. It comes -- David and I are checking it all
8 the time and any of the official -- any questions
9 that come in will be provided with the official
10 answers. I think our due date for all the questions
11 is --.

12 MS. KILEY: It's right up there.

13 MS. TURO: Oh, yeah. Thank you, Kathy.

14 Submissions of questions, the deadline is
15 September 4th. However, I would encourage you, if
16 you have questions today, tomorrow or any day, right
17 up until the 4th, don't wait until the end. Get your
18 questions in because Keith will have to research some
19 of the answers. If he doesn't know the answer, he'll
20 be doing the research to get an answer. It's hard
21 for us if we have to do all the research at the end,
22 so send them in as -- as you formulate them.

23 MR. RUPERT: Thank you, Carol.

24 Yes, sir.

25 MR. CULLEN: I'm not sure if this is the

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2 appropriate time to ask this question, towards the
3 back of the R.F.P., under the Additional Terms and
4 Condition section, I believe there's something along
5 the lines of the Department has the right to
6 terminate the contract with thirty days' notice or
7 something like that.

8 Could you explain a little bit more about what
9 that means? Does that mean after the awarded is
10 developed and DOCCS end up executing a contract then,
11 may still have the right to walk away after thirty
12 days' notice or is that just during the procurement
13 timeframe?

14 MS. KILEY: That is --

15 MR. CULLEN: I --.

16 MS. KILEY: -- looking --.

17 MR. CULLEN: Go ahead.

18 MS. KILEY: It -- are you -- I'm sorry. I
19 didn't mean to cut you off. Are -- are you -- are
20 you finished?

21 MR. CULLEN: I'm finished. Yeah.

22 MS. KILEY: Okay.

23 MR. CULLEN: Yes.

24 MS. KILEY: All right. Just so that you know,
25 the -- there are termination clauses that you're

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2 going to find in the R.F.P. and also in the B.P.A.
3 that are non-negotiable. It does mean that it is
4 going to be part of the actual contract.

5 In the off-chance that there would be something
6 where we would have to terminate, right now we have
7 it as thirty days, we can certainly amend that to be
8 ninety or something like that, but usually it would
9 have to be something pretty bad that we would
10 terminate the contract for. But those termination
11 clauses are in there for a reason. The Office of the
12 State Comptroller generally will not approve a
13 contract without those termination clauses in there.
14 So, it is pretty non-negotiable.

15 Does that answer your question?

16 MR. CULLEN: Yeah.

17 I think it's -- it -- it -- I guess it's a --
18 it's more of a legal question, but I think when it
19 comes down to it, it -- in order for it to be a full
20 for a financial P.P.A., that's something that
21 financiers are going to find difficult to swallow for
22 the most part.

23 MS. KILEY: Uh-huh.

24 MR. CULLEN: I think that's going to discourage
25 a lot of bids and I mean, I -- I -- I'm just

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2 speculating, but I -- based on my interactions with
3 financiers, I think that would be very difficult for
4 them to swallow.

5 That said, I mean, I understand that, you know,
6 there's certain provisions that, you know, that the
7 Department would be standard for any sort of a
8 contract, where, you know, if there is non-
9 performance or -- or -- or other sort of, you know,
10 legal considerations that -- that would allow the
11 Department to walk away. I just think that that sort
12 of a provision may -- may be a little bit difficult
13 for financiers to --.

14 MS. KILEY: Let me just ask you this. When you
15 say it's difficult to swallow, do you mean that it's
16 difficult in the respect that it's the thirty days,
17 or is it that -- the fact that it's unilateral
18 termination clause that DOCCS can only terminate and
19 not, you know, more than --?

20 MR. CULLEN: I -- I think it's that the -- the
21 problem really stems at the end of the day, from the
22 fact that it is -- there's no sort of criteria under
23 which that would make that eligible. So, it's one
24 thing if let's say SoCore Energy is the awardee, we
25 own and operate the asset and we're noncompliant or

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2 whatever under -- under --

3 MS. KILEY: Uh-huh.

4 MR. CULLEN: -- the conditions that we
5 negotiated. It's one thing for you to terminate in
6 that sense. It's another thing where we're doing
7 everything we can, we're fulfilling all of our
8 contractual obligations, but yet there's still
9 something in the P.P.A. that allows the Department to
10 walk away with thirty days' notice, with, you know,
11 with -- with really no -- no other justification
12 outside of just the -- the -- maybe there's a
13 budgetary constraint or something like that. That's
14 -- that's --

15 MS. KILEY: But I can --

16 MR. CULLEN: -- difficult --

17 MS. KILEY: -- tell you --

18 MR. CULLEN: -- to finance.

19 MS. KILEY: -- this is in all of our contracts
20 and this is standard throughout the state and I've
21 found this in any agency, the contracts have to have
22 termination clauses that are really pretty much
23 unilateral on the part of DOCCS, that states that
24 DOCCS can terminate for cause --

25 MR. CULLEN: Uh-huh.

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2 MS. KILEY: -- convenience, or financial
3 reasons.

4 So, cause obviously would be something that --
5 where you were doing something wrong. We give you
6 the right to cure and you still fail to adhere to
7 that, you know, the terms of the contract, that would
8 be a reason to terminate

9 Convenience would be, you know, it -- take your
10 pick.

11 MR. CULLEN: Anything -- that could be --

12 MS. KILEY: You know, it can be --

13 MR. CULLEN: -- anything.

14 MS. KILEY: -- anything. Yeah.

15 But gee, I don't think we've done that ever
16 quite honest -- you know, I mean I'm not saying that
17 it's never going to happen or that it cannot possibly
18 happen, but it's -- there's a strong possibility that
19 it would not, that we do not terminate just
20 arbitrarily.

21 You know, and of course, finances, you know, if
22 -- if the state for whatever reason cannot pay, you
23 probably don't want a contract with us anyway. So,
24 you know, to be perfectly honest.

25 So, those are the terms.

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2 MR. CULLEN: Thank you.

3 MS. KILEY: All right. Thank you.

4 MR. RUPERT: Let me ask, is -- do other states
5 have the same legal requirements as far as
6 termination?

7 I imagine a lot of people in this room have
8 worked for government agencies in other states. Do
9 you see the same type of language at those places --
10 those states? Is -- I mean, is New York that unique
11 with regards to that termination clause in your Power
12 Purchase Agreements?

13 MR. DIAMOND: Even within the state,
14 appropriations language is spotty the question is how
15 would we ensure that the -- the buyers are made whole
16 in regards to the --

17 MR. RUPERT: Sure.

18 MR. DIAMOND: -- interest as soon as possible,
19 right?

20 MR. CULLEN: Yeah. I -- I think Ian raises a
21 good point. I mean, if -- if the developer, asset
22 operator is made whole, then that's one thing. But
23 it -- but when I read it, it sounded as if, you know,
24 you could walk away without, you know, any --
25 anything -- to.

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2 MS. KILEY: There --

3 MR. CULLEN: But I -- I may have misread that.

4 MS. KILEY: -- there is a clause in there about
5 damages.

6 MR. CULLEN: Okay.

7 MS. KILEY: So, yeah, you would be made whole,
8 you know, ultimately. So --.

9 MR. CULLEN: And is the -- is the damages amount
10 specified in there or just kind of in the --

11 MS. KILEY: No.

12 MR. CULLEN: -- clause?

13 MS. KILEY: Is it --?

14 MR. CULLEN: That -- that's something to be --
15 the methodology for determining the damages is --

16 MS. KILEY: Yeah. Well --

17 MR. CULLEN: Maybe --.

18 MS. KILEY: -- I can't recall off-hand, but I
19 will have to answer that one because I'll have to
20 take a look and see for sure.

21 MR. CULLEN: To -- to the earlier question about
22 where there was precedent for this, I know a few
23 years ago, the federal government was trying to --
24 the Federal Department of Defense was trying to
25 encourage, you know, there was relations in military

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2 -- military sites and they had exactly this
3 stipulation for a convenience clause, even though the
4 damages were at issue --

5 MS. KILEY: Uh-huh.

6 MR. CULLEN: And it was -- they -- they couldn't
7 be in compliance they liked to change the provision
8 so that there's a termination schedule --

9 MS. KILEY: Uh-huh.

10 MR. CULLEN: -- should happens, there's an
11 amount payable, which is -- usually compensates the -
12 - for the -- for their financial losses and -- I
13 mean, that kind of financing.

14 So, if that's what could possibly be.

15 MS. KILEY: All right. Yeah. And is in the
16 P.P.A., but let's take that question now and actually
17 answer it, you know, formally in writing, too, so we
18 have a response.

19 MR. RUPERT: Yes?

20 MR. DIAMOND: Sorry.

21 Just going back to the charges in -- relative to
22 the utilities, Attachment Eleven is very
23 comprehensive in regards to the loss. I don't think
24 it specified dollar values being paid out to the
25 utilities and again, that will be informed relative

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2 to the allocation of remote put on the values for
3 each side.

4 MR. RUPERT: I thought there was a -- at the
5 bottom of each facility per year, I thought there was
6 a -- a commodity cost and the utility cost. I mean,
7 I might be wrong.

8 MR. DIAMOND: It could be. It -- but it doesn't
9 quite show here as to the dollar amount made out to
10 the utilities.

11 MR. RUPERT: I think Kathleen's just pulled out
12 the attachment itself.

13 MS. KILEY: Yeah and I need my glasses because I
14 can't see.

15 And so --

16 MS. TURO: Is this --?

17 MS. KILEY: -- perhaps Keith --

18 MS. TURO: That's which attachment?

19 MS. KILEY: -- could actually take a look.

20 MS. TURO: That's number eleven?

21 MS. KILEY: That's Attachment Eleven.

22 MR. RUPERT: O my God. That's small. Yes.

23 MS. KILEY: Yeah. That's a portion of it, I
24 believe.

25 MR. RUPERT: I can't see it.

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2 Let's see. Total program cost. That's just as
3 small.

4 Yeah. It's got three rows. One is grid usage,
5 kWh. One is New York ISO costs, which is the
6 commodity and then there's an O.G.S. fee. Again,
7 they're administering the program for us.

8 So, it breaks out the three. Obviously, the
9 largest cost is the commodity, which looks like a
10 nine -- I don't know, a big number. But --.

11 MR. DIAMOND: It's regarding the -- the utility
12 --.

13 MR. RUPERT: Well, that's the grid usage, right?
14 I mean, I --
15 it would all be lumped in to that.

16 MR. GUAY: No, he's saying that the ISO cost,
17 that there's not an actual utility cost. So, is the
18 ISO cost the utility cost?

19 MR. RUPERT: The ISO cost is the cost for the
20 actual power.

21 MR. GUAY: So -- right.

22 MR. RUPERT: The utility cost for transmitting
23 it to our site is the grid usage kWhs.

24 MR. DIAMOND: That's --

25 MR. RUPERT: So, they're --.

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2 MR. DIAMOND: -- is that dollar value or you
3 don't know?

4 MR. RUPERT: You had to ask that.

5 MR. GUAY: Yeah. That's just kWh.

6 MR. RUPERT: It's -- I think -- yeah, it's in
7 dollars.

8 Well, the kilowatt hours obviously is in hours
9 and then the ISO costs are in dollars. That's a big
10 number. And then the O.G.S. fees are in dollars.
11 Then you've got the total program costs and it's
12 broken down to cost per kilowatt hour and that's
13 where we come up with the six, you know, the four,
14 five, six, seven cents per kilowatt hour.

15 I may not be answering your question. I -- I
16 hope not to --

17 MR. DIAMOND: Well, the --.

18 MR. RUPERT: -- frustrate you --

19 MR. DIAMOND: It's just that --.

20 MR. RUPERT: -- but we --.

21 MR. DIAMOND: My request is if you could please
22 provide the utility dollar values per facility --.

23 MR. RUPERT: All right. We will clarify that.

24 Thank you. Yes, sir.

25 MR. GUAY: Could you also provide what remote

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2 net-metering rate you would like us to use for each
3 utility?

4 So, there is a different remote net-metering
5 class grade for the -- the credit that we're actually
6 pumping out depending on the region and just to kind
7 of standardize all the proposals for you, that way I
8 can, you know, have people and making up a credit
9 rate and that way you can compare apples to apples.

10 MR. RUPERT: We -- we can do that. If we can't
11 do it, then we will get the right person to do it.

12 Thank you.

13 Yes, sir.

14 MR. CULLEN: I think one of the -- the largest
15 sort of wild cards, if you will, variables, in the --
16 in the pricing process is around inner-connection
17 costs and so what -- what other entities have done,
18 public entities of New York have done and said, it --
19 it proposed basically like an adjustment basis --
20 like provide us your base-case inner-connection costs
21 per two-megawatt array and then give us the
22 incremental delta on the price, assuming that's
23 dollar-deviation from that.

24 Has the Department -- Department considered
25 anything like that, so that they can really net-out

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2 apples to apples what the bids look like? Because,
3 you know, it may be the case that Company A assumes
4 zero dollars of inner-connection costs and Company B
5 assumes two hundred thousand dollars of inner-
6 connection costs and so, it might not really be
7 apples to apples.

8 MR. RUPERT: According to National Grid, they
9 don't give that cost until the comprehensive energy
10 studies have been done and evaluated. How you would
11 put a -- not a fudge-factor, but put some outside
12 limits on that, I don't know how to do that.

13 We will look at it. If there's any information
14 that you have, examples of other projects you worked
15 on where it's taken and given you that information or
16 that ability to -- to bracket the costs, can you
17 forward them to Carol or David?

18 MR. CULLEN: Sure. Yeah, I can do that.

19 MR. RUPERT: You know, because it -- it sounds
20 like any, you know, again, anything that will make
21 this project go and make everybody here, you know,
22 make you guys whole with a little bit of profit and
23 save us a couple pennies, you know, that's what we're
24 all here for. So --.

25 MR. CULLEN: And just to -- just to provide a

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2 little bit more detail, you know, I think that, you
3 know, at the end of the day, that's -- that's all on
4 us as bidders, that that cost, whatever that is, we -
5 - we, you know, we bear that risk. But there may be
6 the case that for some company that may decide to
7 provide a upper load that's contingent on the inner-
8 connection cost or -- or whatever. So, I -- that's
9 why I bring it up to you guys, that -- that it may be
10 an important criteria to -- to, you know, to go about
11 doing it.

12 MR. RUPERT: Carol, have you ever seen that
13 situation happen with any of your contracts, where
14 there's an unknown so they just put a dollar value in
15 there, with the idea that it'll be adjusted at a
16 later date?

17 MS. TURO: Yeah.

18 And -- and to the -- to the extent possible,
19 after we leave today, if you can formulate these
20 questions succinctly and put them to us in writing,
21 it will enable us to even better answer them because
22 what -- what you say verbally and what you can put
23 down in paper will help us do our best research to
24 answer the questions.

25 MR. CULLEN: Yeah. I can do that.

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2 MS. TURO: Right.

3 MS. KILEY: Thank you.

4 MS. TURO: Thank you.

5 MR. RUPERT: You know --.

6 MS. KILEY: Plus -- plus the other thing with
7 the transcript may not have picked up every single
8 thing that you've said, so I just want to make sure
9 that it is submitted in writing. So, feel free.
10 Please do submit your stuff in writing to us.

11 And just so you know, too, Carol and David's
12 contact info is on page six of the R.F.P., so --.

13 MS. TURO: Can I ask everyone though, when you
14 do speak, remember to state your name for our
15 transcriber? It's very helpful to him if you state
16 your name, please.

17 MR. RUPERT: Yes, sir.

18 MR. CULLEN: Is the Department required to use
19 their form E.P.A. or are you guys open to using --
20 oh, I'm sorry.

21 Brett Cullen, SoCore Energy again.

22 Is the Department open to using another form
23 agreement, or -- or is it required to -- to -- to use
24 your own?

25 MS. KILEY: We're actually using our own.

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2 MR. CULLEN: Okay.

3 MS. KILEY: You know, in that there would be
4 certain points that we negotiated with them, the
5 majority of it would adhere to the R.F.P., you know,
6 we really have to -- to do it.

7 MR. CULLEN: Thanks.

8 MS. KILEY: Sure.

9 MR. RUPERT: Yes, sir.

10 MR. DICKERSON: Ben Dickerson, C.I.R.

11 I have a prevailing wage question for your
12 forty-five or forty-seven off-site proposed systems.
13 Are we required prevailing wage on third-party
14 private property?

15 Because it's a P.P.A. not a purchase, most often
16 it's not. Obviously the on-site five systems are
17 going to require that, but the additional systems?

18 MR. RUPERT: Well, I think I'll answer that
19 generally in that we want you to follow the law. If
20 the Department of Labor Law says, you know, you don't
21 have to use it in these situations or if we need to
22 get a determination out of the Department of Law as
23 to whether it is applicable or not, we will do that.

24 I don't want to underpay any worker. I don't
25 think anybody here does either, but if it, you know,

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2 if it's legal, you know, that's why we -- we put
3 everything -- we're putting everything back on you
4 guys, cost, design, ownership, maintenance, because
5 you can do it more affordably than we could ourselves
6 and it's those situations that enable you to do it
7 cheaper than us, basically.

8 But again, you know, if it's legal, we're
9 absolutely acceptable of -- of anything with regards
10 to the Department of Labor and the -- what regulation
11 would that be, Public Funds -- Public Building Laws
12 On-site.

13 MR. DICKERSON: I -- I guess that brings me to
14 another question on load cells.

15 So, are we allowed to put these off-site systems
16 anywhere within our load zone or do they need to be
17 in that county? Are you --?

18 MR. RUPERT: It's not broken down by county. I
19 think it's broken down by load zone or utility. One
20 utility may have -- one utility may span two load
21 zones. I don't think they do. Maybe they do and you
22 have to be in the same load zone and utility, I
23 think.

24 MR. DICKERSON: A lot of school R.F.P.s, you're
25 required to be in that county, so there's multiple

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2 counties in the --

3 MR. RUPERT: Right.

4 MR. DICKERSON: -- load zone.

5 MR. RUPERT: We -- we haven't made that
6 requirement. I don't think -- I don't think it's
7 mandatory. I -- I haven't read anywhere where it is
8 by the P.S.C. or any of the other utility tariffs
9 that I read.

10 We don't want to propose that restriction. We
11 want to keep it as open and -- and competitive as
12 possible.

13 Yes, sir.

14 MR. GUAY: Ryan Guay, National Energy Partners.

15 So, to your knowledge, is there any solar on the
16 existing facilities to date?

17 MR. RUPERT: We have a few small solar systems
18 that we put in, back in the 2000s through some
19 performance contracting that we did. They're minor.
20 You know, I think one lights the sign out in front of
21 the facility. It was back before solar was probably
22 as viable as it is today with the technologies.

23 There's others out there that are again, just
24 small stuff. None of them are being sold back to the
25 grid and so forth. None of them would jeopardize our

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2 status for remote metering and having more than one
3 meter on a site.

4 MR. DICKERSON: Thank you.

5 That's it.

6 MR. RUPERT: Go ahead.

7 MR. CULLEN: Brett Cullen, SoCore Energy.

8 It's the -- for the five sites that the
9 Department has provided information for and
10 presumably has site control over and -- and forgive
11 my ignorance if this is already in the R.F.P. I -- I
12 don't remember seeing this, but is it expected that
13 it would be zero dollars site-lease cost to the
14 developer, over the course of the duration of the
15 P.P.A., or does Department instead want us to provide
16 both a P.P.A. price as well as a land-lease price for
17 control of that?

18 MR. RUPERT: I think Kathy can handle that.

19 MS. KILEY: It's just a -- it's a license, so
20 no. To answer your question, no. We would not be
21 charging for the lease. Okay.

22 MR. CULLEN: Okay. Thank you.

23 MR. RUPERT: That's why we're very hopeful that
24 the five sites would be doable, you know, that the
25 economics will work out. You don't have that cost,

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2 which I can imagine would be substantial depending on
3 the size of the systems for the area that you need.
4 I think I calculated somewhere around eight acres,
5 probably wrong, but somewhere around that and these
6 parcels as you saw are very large.

7 I'd love to stick like twenty of them on there,
8 but the regs don't allow us right now. Hopefully
9 they'll change and get wider.

10 Yes, sir.

11 MR. GUAY: Ryan Guay, National Energy Partners.

12 Are you willing to subdivide any of the land
13 that you currently have and/or sell any of the land
14 that you have?

15 MR. RUPERT: I will ask our attorney as far as
16 the subdivision aspect of it.

17 MS. KILEY: We'll have to get back to you on
18 that one and so we'll reduce that in writing.

19 MR. RUPERT: I -- I -- not to argue with that
20 point, but it -- it is a process, I think because the
21 lands are owned by -- not by the department, by a
22 different entity within state government technically.
23 So, any land --

24 MS. KILEY: Probably not.

25 MR. RUPERT: -- deals --

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2 MS. KILEY: Yeah. I forgot --.

3 MR. RUPERT: -- have to go through them.

4 MS. KILEY: Yeah.

5 MR. RUPERT: How that would affect the -- the
6 approval process by the utility as far as being a
7 separate parcel, we looked at that because as I said
8 all of the land that we hold at these five sites and
9 originally we wanted to satellite, you know, every
10 facility within twenty, thirty miles, or within that
11 load zone and utility and then I tripped across that
12 one little statement that says you can only have one
13 meter per parcel and that kind of like ended that
14 dream.

15 But talking with another counselor that --
16 that's not here and Kathleen so forth, is -- that's a
17 lengthy process.

18 MS. KILEY: Yeah.

19 MR. RUPERT: If we could just say go file the
20 papers, here's -- here's a document, we -- we would.

21 What -- the second part of your question was
22 would we sell it?

23 MR. CULLEN: Yeah. Would you sell the land?

24 MS. TURO: No. We're not allowed to sell.

25 MR. RUPERT: Yes, sir.

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2 MR. CULLEN: Brett Cullen, SoCore Energy.

3 I think to the prior question and other more
4 knowledgeable developers, I mean, can correct me if
5 I'm wrong, but I believe the remote net-metering
6 statute indicates that subdivision of parcels after
7 2012 to 2013, renders any new R&M installation
8 ineligible for that program.

9 MR. RUPERT: Oh, really.

10 MR. CULLEN: I could be wrong.

11 MR. RUPERT: Okay.

12 MR. CULLEN: Somebody might want to double-check
13 me on that one. I -- I thought that was in the --.

14 MR. RUPERT: Yeah. I -- well, it was either the
15 Public Service Commission or a utility I was talking
16 with about that and they didn't mention that, but I
17 will investigate that.

18 MR. CULLEN: All right.

19 MR. RUPERT: Absolutely.

20 MR. CULLEN: I think the December 12th order had
21 some language on that. I -- I could be wrong though.

22 MR. RUPERT: Yeah. I've read --

23 MR. CULLEN: It's my --

24 MR. RUPERT: -- those orders --

25 MR. CULLEN: -- version.

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2 MR. RUPERT: -- over and over, trying to
3 remember them or memorize them and determined that I
4 can't, so I will have to reference that.

5 I think that the point's moot since we're not
6 able to subdivide quickly, or -- or easily right now.
7 So, having different parcels may be, you know, not an
8 issue. I mean, it is an issue. It's not something
9 that we can --

10 MR. CULLEN: Yeah.

11 MR. RUPERT: --- avoid, so -- yes, sir.

12 MR. BLEVIN: Andrew Blevin, from Safari Energy.

13 You -- you mentioned a minute ago that you
14 thought you could not remote net-meter in multiple
15 sites. What was the wisdom for that? Because
16 typically -- I don't know. I think that the custom
17 in many metering sites and all the sites are in the
18 same load zone.

19 Now, maybe you can't do that. It's -- is it the
20 issue of a custom?

21 MR. RUPERT: No. R&M would be on both ends, on
22 both the host and the satellite meter. We ask you to
23 set that up for us, to do it and to put a load at the
24 location of the solar panels.

25 What I meant was you can't put -- like if we

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2 have eighty acres, you can't go and put twenty-two
3 megawatt systems in, on that one piece of parcel.

4 MR. BLEVIN: Right.

5 MR. RUPERT: If, you know, again, if you could
6 parcel it up, that'd be great, but as it stands right
7 now, with the regulations, we have eighty acres and
8 we're going to have a little corner of solar panels,
9 from what I see.

10 MR. BLEVIN: And just following up with the
11 language, do -- are -- are they -- what if any local
12 permitting and zoning and land use process needs to
13 be gone through, or is -- or is there no interested
14 state or --?

15 MR. RUPERT: Well, zoning and planning is, you
16 know, off the -- out of the question. It's state, we
17 don't answer to them.

18 We are subject to the State Building Code and
19 our office -- our agency is a code-permitting agency
20 and we will be issuing -- you're going to have submit
21 a stamped set of drawings. We will review them and
22 issue a Building Permit. We'll have a sister agency
23 do the inspections, which I can't imagine is much. I
24 mean you got a pole and a foundation and a panel, but
25 there are a lot of electrical, you know, code issues,

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2 I understand, with it.

3 That agency -- that division of that agency will
4 make a recommendation to us that the systems comply
5 or do not comply with the codes and then we'll issue
6 a Certificate of Occupancy if they do. So, you know,
7 we meet the laws of the -- the Building Laws, by that
8 way.

9 But do not anticipate any zoning and planning
10 issues. Any local improvements we're not subject to,
11 local approvals.

12 Go ahead.

13 MR. CULLEN: Brett Cullen, SoCore Energy.

14 With regard to FOIA is -- are we -- is it
15 allowed for -- or better to basically mark individual
16 pages with pricing -- sensitive pricing and
17 information, whatnot and have that be protected, or
18 would that also be subject to FOIA?

19 MR. RUPERT: You mean, the Freedom of
20 Information?

21 MS. TURO: Yeah

22 MR. CULLEN: Yeah.

23 MR. RUPERT: Yeah.

24 MS. KILEY: Can --?

25 MS. TURO: Yeah. Do you want to talk to that?

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2 MS. KILEY: Certainly mark whatever you would
3 want, you know, to be protected, you know, as
4 confidential. Ultimately, I can't guarantee that it
5 will be because there are a lot of different issues
6 that could go in to this, you know, because certainly
7 the FOIA Unit may look at it and have a different
8 opinion entirely and also, if there's litigation that
9 happens, the chances are it's going to be submitted.
10 Okay.

11 MR. RUPERT: As it stands right now, I think we
12 ask you in the R.F.P. to certainly mark and -- and
13 highlight what you feel is confidential, you know,
14 for a company -- not secrets, but company information
15 and how you price things out.

16 MR. CULLEN: Thanks.

17 MR. RUPERT: I just care about the kilowatt per
18 hour cost. Give me the two cents and I'll be happy.

19 Any other questions?

20 Yes, sir.

21 MR. DIAMOND: Ian Diamond, Solar City.

22 Regarding the Performance Agreement --

23 Agreements in the R.F.P. it mentions we are to
24 consider that sample as a template. So, presumably
25 our forms of agreement can be used as long as they

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2 incorporate the required terms and conditions?

3 MS. KILEY: When you say that you are referring
4 to what the -- the Purchase Price Agreement --

5 MR. DIAMOND: Yeah, both.

6 MS. KILEY: -- or the Purchase --?

7 MR. DIAMOND: Both, both.

8 MS. KILEY: It -- it's --

9 MR. DIAMOND: Right.

10 MS. KILEY: -- going to actually going to be
11 generally that form or, you know, that form contract.
12 There might -- may be some things that will be
13 changed, you know, to a certain extent, but don't
14 expect it to change dramatically.

15 You know, like I said -- you said before, it's
16 going to be the P.P.A., the P.G.A. and then the
17 R.F.P. in its entirety and also, the proposal. So,
18 that's really what's going to make up the contract.

19 So, does that answer your question, or --?

20 MR. RUPERT: We'd like to think we're flexible.
21 So, I mean, if everybody in this room sends in and
22 has an objection to one sentence in the P.P.A., it
23 doesn't mean that we can't change that.

24 I was led to believe, again, because this is a
25 P.P.A. that's been used at other agencies and so

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2 forth and they did vet their documents out before
3 they put them out, then again it's probably not too
4 far different than a national, you know, like we've
5 seeing around the country. But you would know better
6 about that than I do, so I'll go with Kathleen's
7 answer.

8 MS. KILEY: And -- and I agree. Yeah. I mean,
9 if there's something that, you know, as a whole,
10 everyone finds highly objectionable, at least, you
11 know, submit something in writing to us and -- and
12 let us know what it is and the reasoning why.

13 I can't guarantee that I would, you know, change
14 my position, but you know -- or anything, but then
15 again, maybe I will. You know, it -- if it's a
16 reasonable enough request.

17 MR. RUPERT: And you make a recommendation with
18 it also.

19 MS. KILEY: Right.

20 MR. RUPERT: I mean, just don't say this -- you
21 don't like that.

22 MS. KILEY: And -- and legally, we have to, you
23 know, comply and -- of course with New York State and
24 keep in mind, too, this is going to be approved by
25 the Office of the State Comptroller and the Office of

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2 the Attorney General and they require certain clauses
3 that you cannot negotiate, not at all. And like case
4 in point, there's the Appendix A, which are standard
5 clauses in the state of New York. You can't deviate
6 from that, not at all, you know, so keep those things
7 in mind, please.

8 MR. RUPERT: You know, Kathleen mentions the
9 Comptroller's -- if you look between this line and
10 this line and that's why there's such a large
11 distance -- a -- a timeframe because we're
12 anticipating a long -- I don't know, four to six
13 weeks typical, the Comptroller's running. This --
14 solar power's new to state agencies, so hopefully
15 they cut their teeth on the SUNY agreements and some
16 of the other ones. Maybe they haven't. We're hoping
17 that our packages are indefensible.

18 MS. KILEY: Right.

19 That -- that actually is a very tight timeframe
20 when you consider the contracts and the approval
21 process. So, we're going to have to -- like just
22 really move things right along as far as the contract
23 goes and getting it down to the Office of the State
24 Comptroller and the Office of the Attorney General
25 for their review and really stay on top of them to

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2 make sure that they do review it quickly, in light of
3 everything.

4 So, that really is not very long at all.
5 Usually it takes months.

6 MS. TURO: Not at all, especially because that -
7 - the anticipated notification of award is when we
8 notify you that you've been selected for an award.
9 It's at that point then that we develop the contract,
10 so you -- we've got all the pieces there, but we
11 still have to put it all together. People have to
12 sign it.

13 MS. KILEY: Uh-huh.

14 Sign it --

15 MS. TURO: And then --.

16 MS. KILEY: -- properly.

17 MS. TURO: Right. And then we send it to
18 Attorney General and the Comptroller, so yeah, it's a
19 very ambitious schedule.

20 MR. RUPERT: Uh-huh.

21 MS. TURO: So --.

22 MR. RUPERT: That's why you see it almost three-
23 months' time there, negotiation.

24 Again, Comptroller -- Comptroller's Office can
25 run pretty long.

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2 MS. TURO: Right.

3 MR. CULLEN: Brett Cullen, SoCore Energy.

4 So, to that point, would the Department
5 entertain, upon award, to a developer, would they
6 entertain filling out all of the required forms and
7 whatnot for inner-connection purposes, while we're in
8 the process of negotiating contract, so that we can
9 expedite and make sure that we could be hitting the
10 December 31st, 2016 deadline?

11 MS. KILEY: That makes sense. I -- I would
12 think that would be a reasonable request. I mean,
13 assuming that we've chosen a vendor and we've awarded
14 them, you know, tentatively, you know, contract or
15 contracts. I think filling out the forms that are
16 necessary in the interim, I think is -- is very smart
17 to escalate the processes, you know, especially
18 considering this is such a tight timeframe.

19 MR. RUPERT: Yeah.

20 MR. CULLEN: Thank you.

21 MS. KILEY: Sure.

22 MR. RUPERT: Yes, sir.

23 MR. KACANDES: Tom Kacandes, Sol Purpose.

24 Could you comment on the timing in the course of
25 the 11th, the 12th and 13th and the site visits?

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2 I'd imagine you don't want people just wandering
3 out to the correctional facilities.

4 MR. RUPERT: Say the last --.

5 MR. KACANDES: Who are they meeting? Who are
6 they meeting and when?

7 MR. RUPERT: Okay. By a show of hands, how many
8 people are going for the next three days on these
9 site visits?

10 Just one, two?

11 MR. CULLEN: Only one I'm afraid.

12 MR. RUPERT: What's that?

13 MR. CULLEN: Only one I'm afraid.

14 MR. RUPERT: Oh.

15 MR. CULLEN: Ian's gone three days. I don't
16 know --.

17 MR. RUPERT: Oh, well if nobody's going to show
18 up, then I can take the days off. That's great.

19 We have packages in the back for each facility,
20 that gives the direction -- well, the time,
21 direction, where to meet and so forth. Fortunately,
22 we're meeting in places outside the fence.
23 Otherwise, we'd have to go through the I.D. process.

24 Yeah. Everything you need is in those packages.
25 The two gentlemen in the back have those. They can

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2 give it to you on the way out.

3 It's nothing more than what you've seen, as far
4 as the aerials and the acreage and so forth. I'd be
5 honest with you, it's not a very exciting trip in my
6 mind because we're just going to pull to the side of
7 the road in to a big field, that's it, you know.

8 But there are contributing things also. Like I
9 said, the Eastern Correctional Facility is right next
10 to a mountain. The field is on the west side of that
11 mountain, so obviously there's shading issues.

12 Conversely, the field -- the property at Eastern
13 that's located away from the facility is called
14 Colonie Farm, has a sloping hill and it faces
15 eastward, so you got a lot of good sun. You know,
16 that may be a better site to develop. We can only do
17 one or the other.

18 However, we're going to talk about this. Those
19 two properties are deeded separately, so we have the
20 opportunity of maybe adding another system at
21 Eastern, all depending on -- on I guess whether the
22 first field is -- is a viable location or not and
23 whether we need the Colonie forum just for the
24 Eastern facility.

25 I, you know, we will put our heads together in

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2 the next day, this afternoon, tomorrow and see how we
3 can possibly offer that up as an option.

4 Which facilities are -- are you interested in
5 going to?

6 MR. KACANDES: Probably Eastern and Greenhaven
7 at least.

8 MR. RUPERT: Okay. Sir, which one?

9 MR. CULLEN: Great Meadow.

10 MR. RUPERT: Great Meadow?

11 Okay. Great. I don't have to go to Buffalo.
12 Super.

13 Sorry. I apologize to Wende.

14 Are there any other questions? Any other
15 comments?

16 Again, these dates in red will result of -- of
17 one of you out there, making a suggestion on how to
18 cut time. Great. I mean, it knocked a month off.
19 Again, if there's any secrets that we don't know
20 about or things that you all think that you could do
21 in cutting back the submission of the written
22 questions from September 4th to August 20th, you
23 know, we're open to suggestions.

24 So, but obviously time's an issue. Don't wait.

25 Yes, sir.

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2 MR. KACANDES: Tom Kacandes, Solar Purpose.

3 The purpose of the time allotted to Notice of
4 Intent to bid due is what exactly?

5 I mean, you sort of defined potential bidders to
6 this conference.

7 MR. RUPERT: Notice of Intent to Proposed Date?
8 Carol?

9 MS. TURO: Yeah. That -- that just helps us get
10 a good idea of who is likely to bid. It helps us
11 plan the end of this process, like our review teams
12 and so on.

13 Attendance at this mandatory conference simply
14 preserves your right to submit a proposal. It
15 doesn't mean you're going to. So, the Notice of
16 Intent to Bid is your opportunity to tell us if you
17 intend to. You're not obligated to do so, if a week
18 later you really decide this isn't for you. But the
19 whole purpose of that is to really give us a good
20 idea of what we're dealing with. It helps us plan
21 the end part of the process.

22 MR. RUPERT: Let me ask, the -- the submission
23 of the questions deadline, September 4th, we've had
24 good questions here today, which again, if you could
25 send them to us in an email to Carol or David, or if

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2 you don't, we will get them out of the transcript
3 hopefully and answer those immediately, similar to
4 not wanting you to wait until --to send in the
5 questions, send them in as you develop them. We can
6 answer them, I think as they come up as well,
7 provided we notify everybody.

8 MS. TURO: Uh-huh.

9 MR. RUPERT: So, in my mind, submission of
10 written questions, September 4th, that's three weeks
11 from now. I mean, does everybody agree that they
12 need that amount of time to come up with additional
13 questions, or are we wasting time there? Can we pick
14 up a week? Can we pick up two weeks?

15 I mean, I don't know, but it's got to be
16 unanimous because we don't want three guys saying,
17 you know, cut it and one guy feeling that he needs
18 that time. So, you know, in the idea of fairness, we
19 want to again make it a possibility for everybody.

20 Carol and I, when we came up with these dates,
21 it was largely based on Carol's knowledge of -- of
22 contracts that we do and my knowledge of, you know,
23 for instance, response. Our office would put
24 together those responses. I hoped after today to get
25 a couple of those answered right away. The other

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2 ones, I'm going to have to wait for in writing

3 because we need to reach out to our expert.

4 MS. TURO: I think one of the --

5 MR. RUPERT: But I don't --.

6 MS. TURO: -- one of the things, too, Keith, I -
7 - when we talked, I think we anticipated probably
8 more people going to the site visits, which would
9 generate questions. But unless that changes, people
10 -- very few people have indicated a desire to attend
11 the site visits.

12 If -- I mean, we could potentially save some
13 time. What did you say that is? About three weeks?
14 To September 4th, that's about three weeks --

15 MR. RUPERT: Yeah.

16 MS. TURO: -- from now?

17 MR. RUPERT: Yeah. From Wende to --.

18 MS. TURO: Is there anyone that feels they
19 couldn't get their questions all formulated and in to
20 us within two weeks?

21 Sir?

22 MR. DIAMOND: I -- I suggest that you leave the
23 question deadline as it is, but you have a large gap
24 between September 11th and September 30th.

25 MS. TURO: Yes.

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2 MR. DIAMOND: That is probably more where you
3 could shorten if you were considering that.

4 MS. TURO: Okay.

5 MS. KILEY: Uh-huh.

6 MS. TURO: I think that's actually been brought
7 up by some other people, too.

8 So, the Notice of Intent --

9 MR. RUPERT: Well, propose --

10 MS. TURO: We -- also, we -- we may be able to
11 trim some of these dates. Like the responses to the
12 questions, we have down September 11th. We usually
13 consider that to be the maximum. If we've got all
14 the answers ready, especially if people are starting
15 to submit their questions on an ongoing basis, Keith
16 will be working on those answers. We would -- very
17 likely can often get the answers out before. We tend
18 to put that date in as a deadline, not necessarily a
19 firm date.

20 But then -- okay. So, we have responses -- as
21 the dates stand, we have the 11th, with the Intent to
22 Bid date due a full week later. We could probably
23 trim that back a little bit.

24 Do you have strong feelings about that, Keith?

25 MR. RUPERT: I have strong feelings about

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2 everything, but I -- I want to push, you know, the
3 proposal. I want the -- all these dates to move back
4 one or two weeks.

5 I -- I'll be honest with you. I'm nervous.
6 This is the first time we've done this, so --

7 MS. TURO: Right.

8 MR. RUPERT: -- we want this to be successful.
9 We really do and you guys are all the -- the best in
10 your business I guess, to respond to such a large
11 R.F.P. At least we think it's large. Maybe not.

12 MR. KACANDES: Well, I think the gentleman's
13 point is -- as Carol clarified, you like to know who
14 is intending to bid, but that doesn't need to consume
15 time on their side.

16 MS. TURO: Is it the -- the --?

17 MR. KACANDES: So, why not say the due date be
18 the 18th, at a minimum.

19 MR. RUPERT: The due date for what?

20 MS. TURO: The proposal --

21 MS. KILEY: The proposal.

22 MS. TURO: -- due date, you're suggesting?

23 MR. KACANDES: Yeah.

24 MR. RUPERT: Move that back to the 18th?

25 I heard a grumble even behind my back.

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2 MR. CULLEN: Yeah. I -- I -- we would -- we
3 wouldn't agree with that. Like to keep it --.

4 MR. RUPERT: Okay.

5 MR. B. HENNESSY: But I -- what you could do is
6 move -- move the Notice of Intent to Bid from the
7 18th, to say the 11th or something like that. In
8 other words, people in this room are going to know
9 pretty quickly whether they're going to bid on this
10 or not. So --

11 MS. TURO: That's a good point.

12 MR. B. HENNESSY: -- it's not going to take till
13 the 18th for people in this room to say whether
14 they're bidding on it.

15 MR. RUPERT: Yeah. But really, what are you
16 benefiting? I mean, we just have a list of people
17 that we're going to evaluate when we --

18 MR. B. HENNESSY: Right.

19 MR. RUPERT: -- do get the bids. Moving that --
20 that, is not going to give you any more time on the
21 picture. I mean, sending your Notice to Bid
22 immediately, you, you know --

23 MR. B. HENNESSY: Yeah.

24 MR. RUPERT: -- send it in tomorrow --

25 MS. KILEY: Yeah.

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2 MR. RUPERT: -- and then we know that you're
3 going to bid --.

4 MS. KILEY: Keith?

5 MR. DIAMOND: A crucial question relative to
6 this is effective forms of agreement.

7 MS. TURO: Right.

8 MR. DIAMOND: If we're not required in our
9 response to note the sections of the agreement in our
10 response, that's something that can -- that then --
11 that takes pressure off that timeline.

12 MS. KILEY: Here's the thing, you need to note
13 any exceptions to the agreement now. It's got to be
14 before the written responses to the questions are
15 submitted. Okay. So, it's got to be before you
16 submit your proposal.

17 So, I need to know exactly where you stand. If
18 there's something that -- that is very unusual, very,
19 you know, that's really going to deter you for -- for
20 whatever reason and that goes for everybody in this
21 room, then I need to know that now, you know, because
22 then once you submit your proposal, it's game over.
23 We're not changing everything. Okay. It's -- that's
24 it.

25 MR. KACANDES: So, Ms. Kiley, that means

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2 functionally, then the deadline for any question like
3 that is the 4th, right now?

4 MS. KILEY: Right. Yes.

5 And sooner rather than later, as we said, to
6 give us the maximum amount of time to research --
7 properly research an answer.

8 MR. RUPERT: It sounds like we're not going to
9 save a bunch of time here on the important things
10 here, but the response to the questions, as was just
11 said, is we're going to push that up. It's something
12 we need, but we want you to have the answer to your
13 questions as soon as possible.

14 And I apologize that I couldn't answer some of
15 these more difficult ones for me today, but again, if
16 you could go back to your office, or -- and email
17 them to us tomorrow, we'll start tomorrow on it and
18 get them back to you as fast as possible, so -- yes,
19 sir.

20 MR. ALLEN: David Allen with B.Q. Energy.

21 Wondering, you know, about the state agencies,
22 the scheduling of approval, it's like beyond the --
23 the allocation of award. Is there a plan in place to
24 moving along, or what -- because things are delaying
25 us and next year is the limit.

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2 MR. RUPERT: Well, the levels of approval are
3 basically -- we will negotiate a contract with you if
4 you're the successful bidder. That will get signed
5 by you, by our Commissioner. It'll go to the
6 Attorney General's Office for review as to form and
7 legality and then -- and that's very quick and then
8 it will go to the Office of the State Comptroller.
9 Those are the only four parties that have to approve
10 contracts that we enter in to.

11 Again, you know, O.S.C. -- it's a big gamble and
12 obviously we will do whatever we can to keep it
13 moving, you know, but they're kind of -- they got
14 their own boss that -- don't answer to the Governor
15 like we do, so they're a little independent some
16 times. We don't anticipate anything great, but if
17 it's new, with new comes -- with change comes some
18 hesitation.

19 But renewable energy sources is high on
20 everybody's target that's in the business I think.
21 You're going to -- we're going to see collectively,
22 amazing things in our lifetime. Some of us have more
23 life left than others, but we -- we're hopeful we can
24 do this. We're -- we're hopeful additional programs
25 will come out in the future, that we can have another

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2 meeting like this in two years. It's just an
3 exciting time for energy, in my opinion.

4 But is there another questions?

5 Yes, sir.

6 MR. DICKERSON: I just wanted to emphasize not
7 moving the proposal due date at all because we're a
8 third-party owned property. It's going to take all
9 of the month just to find first-rights on those
10 properties.

11 MR. RUPERT: Yeah. I -- and I think we heard of
12 -- that comment before, so in my mind the proposal
13 due date --

14 MR. DICKERSON: Okay.

15 MR. RUPERT: -- is as it appears.

16 MR. DICKERSON: Other than that, I don't care
17 what moves up a week or down --

18 MS. TURO: Uh-huh.

19 MR. DICKERSON: -- as long as --.

20 MR. RUPERT: Right. Right.

21 MS. KILEY: Okay. That's fine.

22 MR. DICKERSON: And that brings me to the
23 question, what are you requiring from a third-party
24 parcel? Do you require ownership, proof of
25 ownership, first rights of ownership?

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2 Typically it's first rights. So if we put in an
3 offer, we say we'll give you a thousand dollar
4 deposit and if we win the bid, we'll purchase it.

5 MR. RUPERT: I think that NYSERDA has a lot to
6 say about that, too, because you have to get your PON
7 approved by -- your application approved by NYSERDA.

8 MR. DICKERSON: It's a big process, true.

9 MR. RUPERT: Right.

10 MR. DICKERSON: A big process.

11 MS. KILEY: Yeah.

12 MR. RUPERT: So, you know, if they have a
13 criteria, you have to show them a purchase order or
14 an agreement, a rental.

15 MR. DICKERSON: To my knowledge, they don't.

16 MR. RUPERT: We have no specific requirements of
17 that.

18 MS. KILEY: No, we don't and actually that's a
19 very big point that you raise.

20 So, I think that's something that we're going to
21 have to research and figure out what's -- legally
22 covers everything, you know, but at the same time
23 somewhat expedite things and still remain, you know,
24 certainly in the industry norm, I don't want to do
25 anything that deviates from that.

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2 So, but obviously we need to make sure that
3 we're fully protected. So, let me get back to you on
4 that.

5 MR. DICKERSON: We don't promises that can't be
6 kept.

7 MS. KILEY: Right.

8 MR. DICKERSON: To not have one land acquisition
9 -- so somewhere in that R.F.P., you may find some
10 notice as to at least be first rights on the property
11 or previous ownership.

12 MS. KILEY: Right.

13 MR. RUPERT: Uh-huh. Okay.

14 MS. TURO: Okay.

15 MR. RUPERT: Any more questions?

16 MR. CULLEN: Bless you.

17 MR. RUPERT: Again, this, you know, this is not
18 the only time. Send your questions in after this
19 meeting, up until the 4th and we'll get them back to
20 you as quick as we can.

21 If there are no other questions, I just ask is
22 there anything else that we'd like to add up front
23 here?

24 MS. TURO: No.

25 MR. RUPERT: Mr. Martuscello?

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2 MR. MARTUSCELLO: You guys sign the onsite
3 visits?

4 MR. RUPERT: Yes. We have two individuals that
5 are going to go on site visits. It looks like
6 Greenhaven, Eastern and Great Meadow.

7 MR. MARTUSCELLO: Make sure they sign in.

8 MR. RUPERT: Yeah. Yeah.

9 They got -- you got to sign in so we have your
10 name, if you will because we got to call ahead and
11 get -- get -- get gate clearances. Even though
12 you're not going through the gate, they want to know
13 that you're on the property. So, Mr. Martuscello has
14 the list that the two of you can sign.

15 Pick up the packages, they're right there. Take
16 as many as you want, since there's only two of you.

17 MS. TURO: And make sure you show up with --
18 everybody carries a driver's license, but you have to
19 have a picture I.D. when you show up.

20 MR. MARTUSCELLO: And I'd just like to close by
21 thanking everybody for coming. I think we had some
22 very exciting questions.

23 MS. KILEY: Yeah, we did.

24 MR. MARTUSCELLO: Obviously you folks are well
25 informed, you're in the industry -- or in the

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2 industry. We're -- we're exciting about the endeavor
3 and hopeful that we will move this project along as
4 quick as possible, within the deadlines that we set
5 and we're going to get back to you with any questions
6 that you had either today or in writing. Please
7 submit them to Carol so we can get them back to you.

8 We look forward to working with you. It's --
9 well, as many of you that are awarded contracts
10 through this process and we look forward to your
11 submissions.

12 Thanks for coming.

13 MS. TURO: Great.

14 MR. CULLEN: Thank you.

15 MR. RUPERT: Thank you.

16 MS. KILEY: Thank you.

17 (The conference concluded)

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3 STATE OF NEW YORK

4 I, Howard Hubbard, do hereby certify that the
5 foregoing was reported by me, in the cause, at the time
6 and place, as stated in the caption hereto, at Page 1
7
8 hereof; that the foregoing typewritten transcription
9 consisting of pages 1 through 81, is a true record of all
10 proceedings had at the hearing.

11 IN WITNESS WHEREOF, I have hereunto subscribed my
12 name, this the 24th day of August, 2015.

13

14

Howard Hubbard, Reporter

15

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