



Phillips Lytle LLP

Via E-Mail

December 20, 2024

Bradley Wells
SDC Technology Services, LLC
2001 Ross Avenue, Dallas, TX 75021
bwells@stream-dc.com

Re: Project Double Reed Application to GCEDC - Evaluation Process

Dear Mr. Jackson:

As you know, we represent the Genesee County Economic Development Center (“GCEDC”) with respect to the development of the Western New York Science and Technology Advanced Manufacturing Park (“STAMP”) campus in the Town of Alabama, New York (“STAMP Site”). We are writing to follow up on our December 18, 2024 meeting regarding the application for Project Double Reed (“Applicant”) to purchase land and to obtain financial incentives from the GCEDC for the construction of either four, two-story buildings (“Option 1”) or three, one story buildings (“Option 2”) that will house data center equipment totaling approximately 1,200,000 or 900,000 square feet, respectively, across an approximately 60 acre site together with supporting infrastructure (collectively, Option 1 & Option 2, the “Application”). Please find below a summary of our discussion.

Application Discussion

During the call, GCEDC generally walked through the process for evaluating the Application, provided comments on the Application as they relate to potential environmental impacts, and answered questions posed by the Applicant regarding STAMP and the evaluation process. As discussed during the meeting, ultimately the Applicant is responsible for preparing all materials necessary for GCEDC to evaluate the Application. All feedback provided to date has been a good faith effort by GCEDC staff to assist the Applicant in complying with GCEDC’s requirements, however, ultimately the GCEDC Board will determine whether to approve the Application.

ATTORNEYS AT LAW

ADAM S. WALTERS PARTNER DIRECT 716 847 7023 AWALTERS@PHILLIPSLYTTLE.COM



The following summarizes our discussion regarding required submittal materials for the December 31, 2024 final design package.

1. Detailed project description

As discussed, the Applicant should select a final and best design for the Project rather than provide alternative designs for GCEDC's consideration. GCEDC will evaluate the final and best design of all applicants in connection with evaluating the applications.

2. Conceptual site plan

As above, the conceptual site plan should be revised to include a single project proposal.

3. Visual assessment

GCEDC requires visual assessments to include viewpoints of the areas immediately surrounding the STAMP Site, including: (1) multiple (typically four) simulated viewpoints from the perspective of the Territory of the Tonawanda Seneca Nation to the west along STAMP's border to demonstrate anticipated visibility from the Nation (without entering the Nation's Territory without Nation permission); (2) Lewiston Road northwest of the STAMP substation; (3) Lewiston Road immediately north of the STAMP substation; (4) Lewiston Road immediately east of the STAMP substation; (5) Crosby Road immediately southeast of the Plug Power construction site; and (6) Allegheny Road south of the STAMP Drive entrance. Please find attached hereto an example visual assessment from a prior GCEDC project at the STAMP Site. Saratoga Associates (Matthew Allen allen@saratogaassociates.com 518-831-5798 / Andrew Trodler trodler@saratogaassociates.com 518-723-5321) have previously prepared visual assessments for STAMP.

4. Traffic counts

The traffic summary provided suggests that the Project will result in 900 daily trips and 108 AM peak hour trips. This number seems high considering the number of employees proposed for the Project. Based on our discussion, we understand that these



numbers are based on ITE traffic generation numbers which Applicant believe may be outdated. We understand that the Applicant may have more accurate real-world data based upon existing facilities. We further understand that the Applicant will be revising its traffic analysis to incorporate this real-world data and provide adequate justification for varying from ITE generation data. As discussed, the final results of this analysis should be referenced to the existing traffic analysis in the STAMP GEIS.

5. EAF Part 1

As discussed, to the extent any changes made result in changes to the EAF, the EAF must be updated accordingly.

6. Detailed Site plan

Please note that a more detailed site plan (including any proposed landscaping) will assist the GCEDC Board in its review of the Project.

7. Air Report (if backup generators are included or other emission sources are present)

As discussed, the current summary of air emissions needs to be significantly expanded upon. Currently, the summary only concludes that Title V permitting won't be required, but there are no calculations or backup for this conclusion. The summary should evaluate both the facility's actual projected emissions, but also its potential to emit (as those terms are defined in the Clean Air Act). The summary should also identify whether other air permitting/regulations (e.g., a NYSDEC State Facility Permit or Air Registration) are applicable to the Project.

8. Company/Project "Application" for Financial Assistance

Please find attached a questionnaire prepared by GCEDC in connection with the Application. This questionnaire includes key points that will be used to evaluate the financial impact of the Project.



As a reminder, Applicant's final and best offer application packages with all required supporting documentation must be submitted to GCEDC by January 9th. The final and best offer application package must contain the following materials to be considered a complete application:

1. Purchase price offer for proposed needed acreage as detailed in Applicant's final design package.
2. Details regarding the incentives that are being requested from GCEDC by Applicant.
3. Details regarding any other financial incentives requested from Applicant.
4. Details regarding any other financial benefits associated with Applicant's proposal.

Following discussions with the various applicants, we are also requesting that companies provide (by January 9th) an inventory of data center projects owned and operated by the Applicant, along with municipal references for the same.

9. Noise Study

As discussed, the noise study should reflect the Project's actual noise levels projected at both the Project's parcel boundary as well as the overall boundary of the STAMP Site. Noise levels should reflect both ordinary operating conditions (e.g., normal operations and intermittent generator testing) as well as worst case scenarios (e.g., backup generators running during power outage at night). Baseline noise levels should be referenced to the existing noise analysis in the STAMP GEIS.

10. Stormwater Management Report

The stormwater narrative and drawings should pay special attention to the way in which discharges from the Project site interact with adjacent wetlands and tributaries. A copy of the wetland delineation report for the STAMP Site is attached hereto,



together with a copy of the STAMP Master Plan for development. As discussed, it will be important to route stormwater away from the Site in a way that does not adversely impact future development on the STAMP Main Manufacturing Campus.

11. Emergency Services Report (should include detailed discussion of fuel storage safety measures if backup generators/diesel storage are included; should include facility safety plan; should include correspondence with local emergency services confirming sufficient ability to service project)

As discussed, a conceptual Emergency Action Plan should be provided rather than just referenced in the materials provided. Issues such as spills from diesel storage should be explicitly addressed in the same.

Applicant Information Requests

During our discussions, Applicant requested the following information from GCEDC, copies of which are attached hereto:

- Archaeological end of field work letter for site;
- Substation line drawings;
- Wetland delineation report.

Conclusion

We trust that the above summary is informative and helpful. As noted in our December 18, 2024 letter, Applicant's final design package (which includes final conceptual facility design and final proposed needed acreage and location on STAMP Site) with all required SEQRA documentation must be submitted to GCEDC by December 31st. If there are any material delays in submitting Applicant's final design package and SEQRA documentation, it may result in Applicant being dropped from further consideration. Applicant's final design package and SEQRA documents must be submitted by December 31st in order for GCEDC to timely prepare an "Initial Assessment" for Applicant pursuant to its existing Letter of Resolution and provide the



Project Double Reed
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December 20, 2024

same to the Nation for a 30-day comment period prior to taking any action pursuant to SEQRA.

Thank you for your prompt attention to these matters. If there are any questions about anything detailed herein, please reach out to me.

Very truly yours,

Phillips Lytle LLP

By /s/ *Adam S. Walters*

Adam S. Walters
ASW



GCEDC Incentives Input Form

Project Name:

Property Tax Variables for Fixed PILOT Program

The variables that affect the Fixed PILOT Program calculations are below. The minimum of the assessed value per square foot of new construction is asset at \$125 per square foot. The escalator is set at 2% a year and term is 10 years. The maximum number of years is set at 30 years.

	Minimum	Proposed	Comments
Project SQ FT	N/A		
Assessed Value Per SQ FT	\$125		
Escalator	2%		
Years	10		

Community and/or Grant Programs

The community/grant program is a separate line item to consider. The floor is set at \$1M and proposed is anything you're willing to consider over and above the floor.

	Minimum	Proposed	Comments
Community/Grant Program	\$1 Million		

Land and Substation

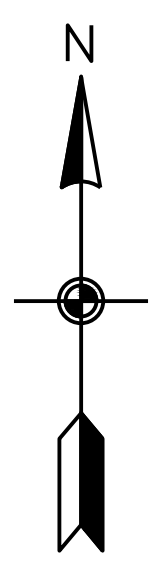
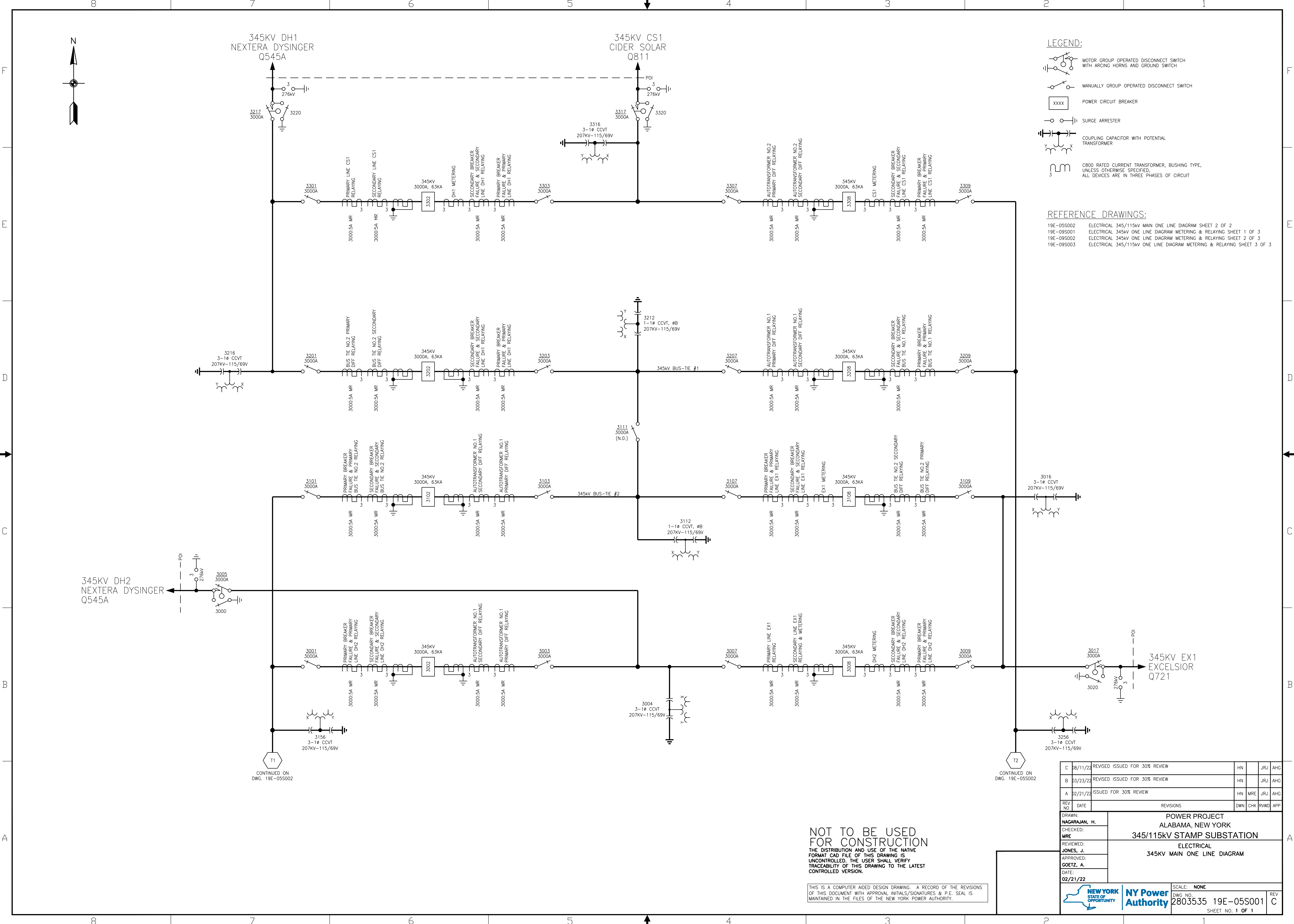
The land per acre floor is set at \$300,000 per acre and the substation floor is at \$200,000 per MW. If you are willing to pay more, include the amount in the proposed line item.

	Minimum	Proposed	Comments
Acres	N/A		
Price Per Acre	\$300,000		
Substation Cost Per MW	\$200,000		

Sales Tax Exemption for Servers Only after initial construction

Sales tax exemption on servers equates to 8% savings in NY State of which 4% is sent to the State and 4% to County. To assist the county, we suggest a host agreement every time a sales tax exemption is requested for servers only after initial construction

	Minimum	Proposed	Comments
County Host Agreement	\$1 Million		



- LEGEND:**
- MOTOR GROUP OPERATED DISCONNECT SWITCH WITH ARCING HORNS AND GROUND SWITCH
 - MANUALLY OPERATED DISCONNECT SWITCH
 - POWER CIRCUIT BREAKER
 - SURGE ARRESTER
 - COUPLING CAPACITOR WITH POTENTIAL TRANSFORMER
 - C800 RATED CURRENT TRANSFORMER, BUSHING TYPE, UNLESS OTHERWISE SPECIFIED, ALL DEVICES ARE IN THREE PHASES OF CIRCUIT

- REFERENCE DRAWINGS:**
- 19E-055002 ELECTRICAL 345/115kV MAIN ONE LINE DIAGRAM SHEET 2 OF 2
 - 19E-095001 ELECTRICAL 345kV ONE LINE DIAGRAM METERING & RELAYING SHEET 1 OF 3
 - 19E-095002 ELECTRICAL 345kV ONE LINE DIAGRAM METERING & RELAYING SHEET 2 OF 3
 - 19E-095003 ELECTRICAL 345/115kV ONE LINE DIAGRAM METERING & RELAYING SHEET 3 OF 3

345KV DH2
NEXTERA DYSINGER
Q545A

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DWG. 19E-055002

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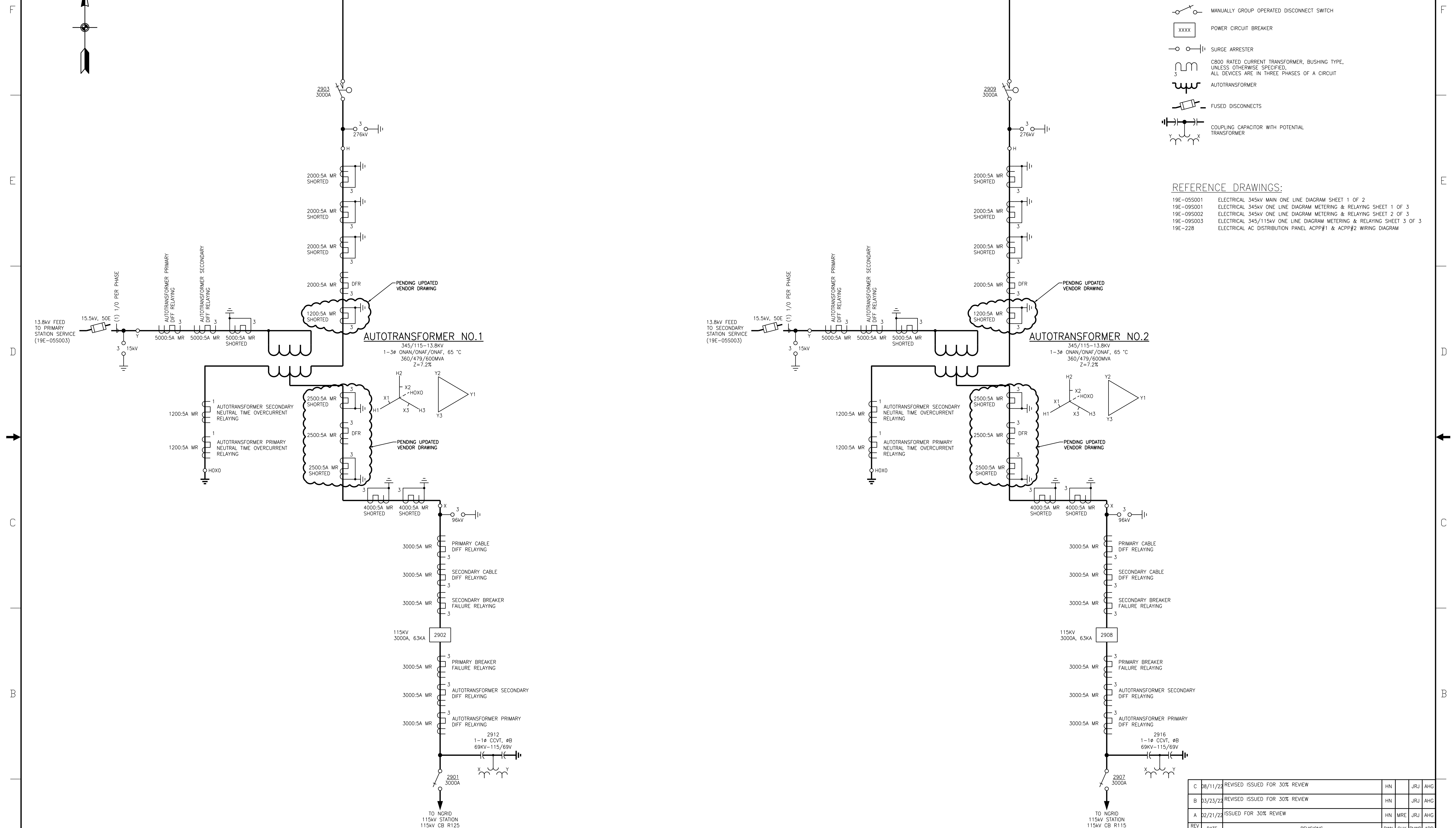
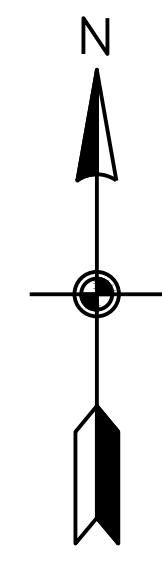
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REV	NO	DATE	REVISIONS	DWN	CHK	RWD	APP
C	08/11/22		REVISED ISSUED FOR 30% REVIEW	HN	JRJ	AHG	
B	03/23/22		REVISED ISSUED FOR 30% REVIEW	HN	JRJ	AHG	
A	02/21/22		ISSUED FOR 30% REVIEW	HN	MRE	JRJ	AHG

DRAWN:	NAGARAJAN, H.	POWER PROJECT ALABAMA, NEW YORK 345/115kV STAMP SUBSTATION ELECTRICAL 345KV MAIN ONE LINE DIAGRAM
CHECKED:	MRE	
REVIEWED:	JONES, J.	
APPROVED:	GOETZ, A.	
DATE:	02/21/22	

SCALE:	NONE
DWG NO.	2803535
REV	19E-055001
SHEET NO.	1 OF 1
REV	C



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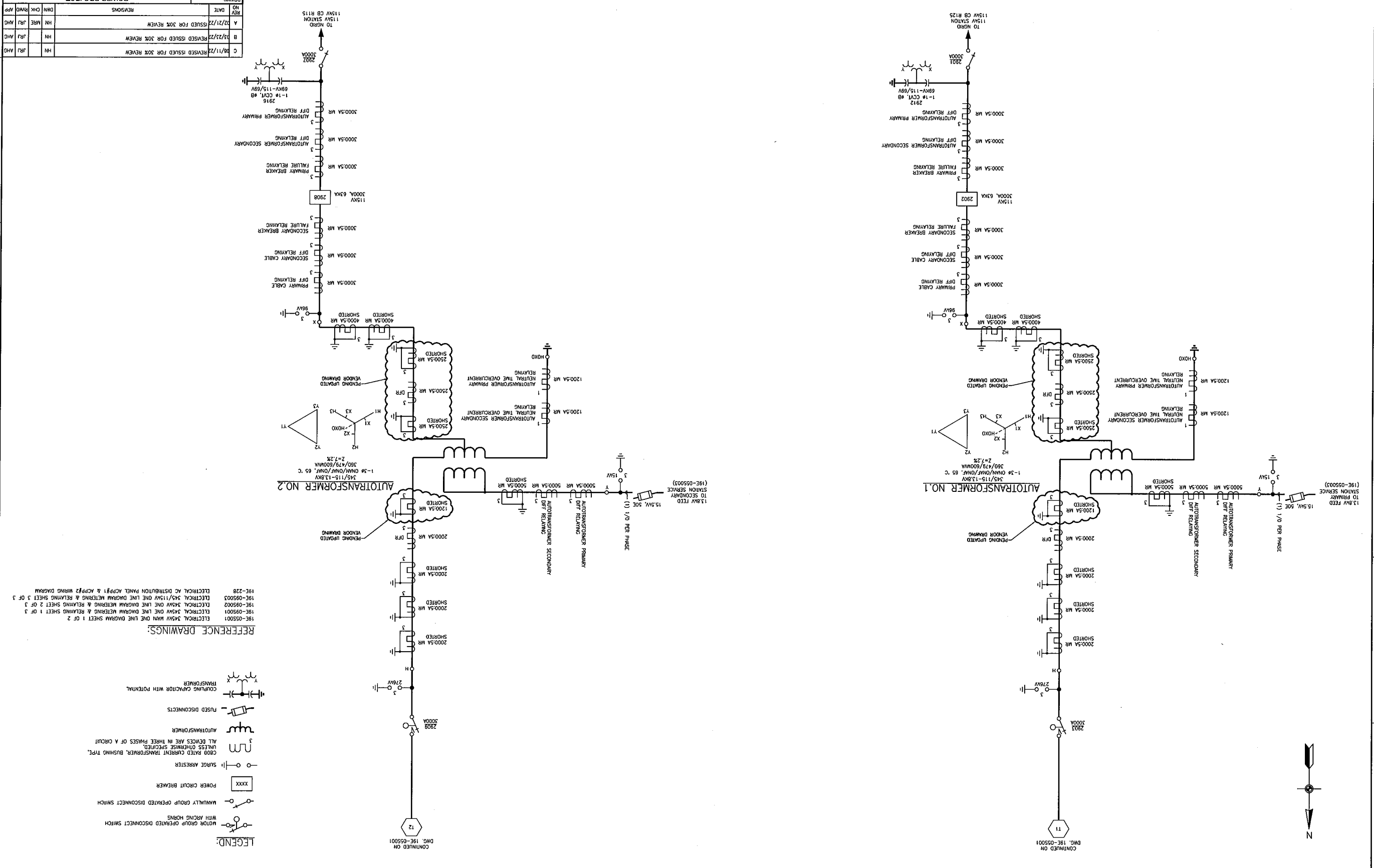
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DRAWN: NAGARAJAN, H. CHECKED: MRE REVIEWED: JONES, J. APPROVED: GOETZ, A. DATE: 02/21/22	POWER PROJECT ALABAMA, NEW YORK 345/115kV STAMP SUBSTATION ELECTRICAL 345/115kV MAIN ONE LINE DIAGRAM
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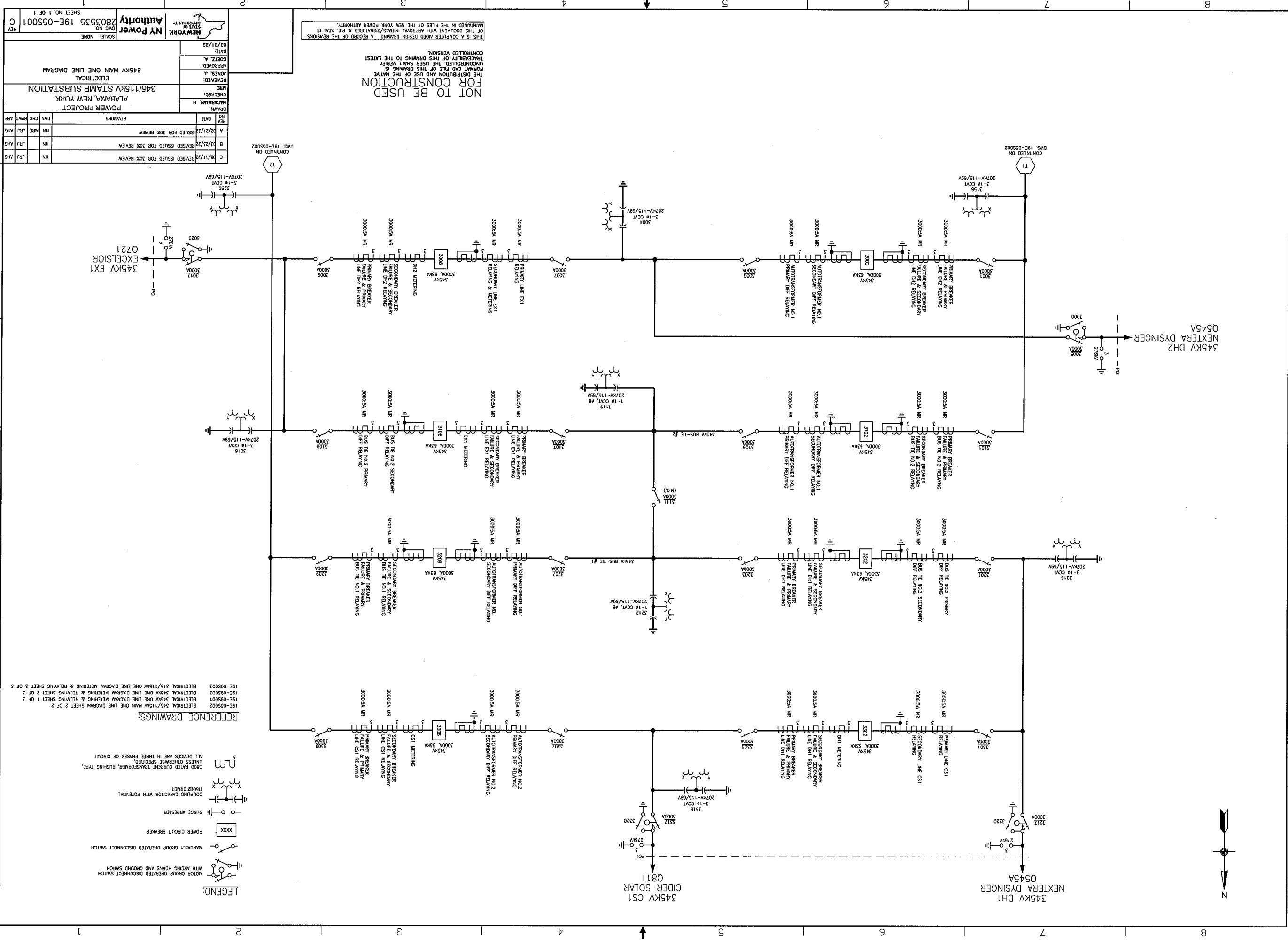
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NEW YORK STATE AUTHORITY
NY Power
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 SHEET NO. 1 OF 1
 REV 19E-055002
 SCALE: NONE
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 APPROVED: [Signature]
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 DRAWN: [Signature]
 PROJECT: ALBAMA, NEW YORK
 STATION: 345/115KV STAMP SUBSTATION
 ELECTRICAL
 345/115KV MAIN ONE LINE DIAGRAM

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REFERENCE DRAWINGS:
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 19E-055002 ELECTRICAL 345KV ONE LINE DIAGRAM WTERING & RELAYING SHEET 1 OF 3
 19E-055003 ELECTRICAL 345/115KV ONE LINE DIAGRAM WTERING & RELAYING SHEET 2 OF 3
 19E-228 ELECTRICAL AC DISTRIBUTION PANEL ACPP#1 & ACPP#2 WIRING DIAGRAM



REV	DATE	ISSUED FOR 30% REVIEW	BY	CHK	APP
A	02/21/22	ISSUED FOR 30% REVIEW	JRH	JRH	JRH
B	03/23/22	REVISED ISSUED FOR 30% REVIEW	JRH	JRH	JRH
C	06/11/22	REVISED ISSUED FOR 30% REVIEW	JRH	JRH	JRH

DRAWING: POWER PROJECT
 CHECKED: ALABAMA, NEW YORK
 NAME: JONES, J.
 APPROVED: DOETZ, A.
 DATE: 02/21/22
 SCALE: NONE
 DWG NO: 19E-055001
 SHEET NO. 1 OF 1

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 19E-099003 ELECTRICAL 345/115KV ONE LINE DIAGRAM METRING & RELAYING SHEET 3 OF 3

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345KV DH1 NEXTERA DYSINGER
 345KV CS1 CIDER SOLAR
 345KV DH2 NEXTERA DYSINGER



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO
ATTENTION OF:

July 21, 2020

Regulatory Branch

SUBJECT: Department of the Army Application No. 2010-00964

Mark Masse
Senior Vice President of Operations
Genesee County Economic Development Center
99 MedTech Drive-Suite 106
Batavia, NY 14020

Dear Mr. Masse:

This is in reference to the archeology work for the WNY Science and Technology Advanced Manufacturing Park (STAMP) project site that is located southwest of the Lewiston Road and Allegany Road intersection in the Town of Alabama, Genesee County, New York.

As per the stipulations in the STAMP SHPO Programmatic Agreement (PA), the End of Fieldwork letter and the Phase III Archeology Report were provided to all the Consulting Parties for comment and review. The Consulting Parties did not provide any comments. Therefore, the End of Fieldwork letter and the final Phase III Archeological Report are approved by our office.

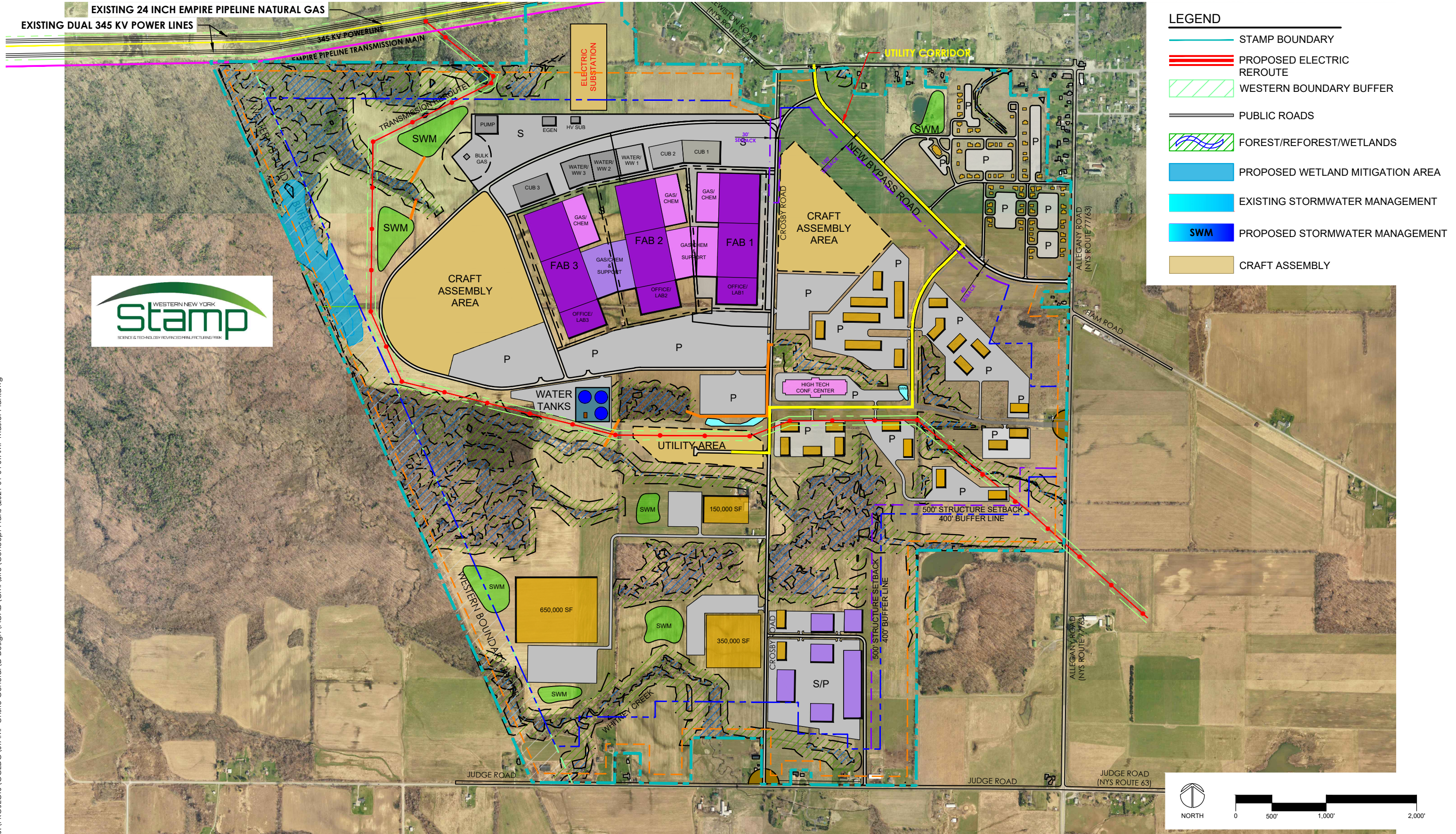
Questions pertaining to this matter should be directed to me at 716-879-4304, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: molly.a.connerton@usace.army.mil

Sincerely,

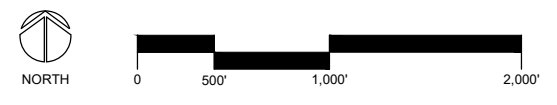
A handwritten signature in cursive script that reads "Molly Connerton".

Molly Connerton
Biologist

J:\PROJECTS\GCEDC\STAMP Onsite General\Design\ACAD\Civil\Site\Concept Plans\2021.01.04 STAMP Master Plan.dwg



- LEGEND**
- STAMP BOUNDARY
 - PROPOSED ELECTRIC REROUTE
 - WESTERN BOUNDARY BUFFER
 - PUBLIC ROADS
 - FOREST/REFOREST/WETLANDS
 - PROPOSED WETLAND MITIGATION AREA
 - EXISTING STORMWATER MANAGEMENT
 - SWM PROPOSED STORMWATER MANAGEMENT
 - CRAFT ASSEMBLY



STAMP - MASTER PLAN

WNY SCIENCE AND TECHNOLOGY ADVANCED MANUFACTURING PARK (STAMP)

JANUARY 5, 2021