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TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

- - - - -x

PUBLIC HEARING
HELD BY CONFERENCE CALL
RE: ORBIT BLOOM ENERGY, LLC

- - - - -x

March 24, 2020
3:00 p.m.

TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S :

TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY
One Independence Hill
Farmingville, New York 11738

BY: LISA M.G. MULLIGAN,
CHIEF EXECUTIVE OFFICER

ALSO PRESENT: JOCELYN LINSE,
EXECUTIVE ASSISTANT IDA

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MS. MULLIGAN: It's 3:00 on March 24th. This is the Orbit Bloom public hearing. I'm going to open the public hearing by reading the public hearing notice.

Because of the Novel Coronavirus (COVID-19) Emergency State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 220.1 issued on March 12, 2020 suspending the Open Meetings Law, the Public Hearing scheduled for March 24, 2020 being held by the Town of Brookhaven Industrial Development Agency (the "Agency") in accordance with the provisions of Article 18-A of the New York General Municipal Law with respect to Orbit Bloom Energy, LLC and AEP Onsite Partners, LLC (the "Applicant") will be held electronically via conference call instead of a public hearing open for the public to attend. Members of the public may listen to the Public Hearing and comment on the Project and the benefits granted to the Applicant by the Agency during the Public Hearing by calling (712)770-5505 and entering access code 884-124. Comments may also be

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submitted to the Agency in writing or

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electronically. Minutes of the Public Hearing

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will be transcribed and posted on the Agency's

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website.

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REVISED NOTICE OF PUBLIC HEARING.

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NOTICE IS HEREBY GIVEN that a public

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hearing pursuant to Article 18-A of the New

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York State General Municipal Law will be held

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by the Town of Brookhaven Industrial

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Development Agency (the "**Agency**") on the 24th

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day of March, 2020, at 3:00 p.m. local time,

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electronically by calling (712)770-5505 and

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entering access code 884-124, in connection

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with the following matters:

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The Agency previously provided

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assistance to Orbit Bloom Energy, LLC, a

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Delaware limited liability company authorized

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to transact business in the State of New York

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(the "**Company**"), in the acquisition of a

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ground leasehold interest in an approximately

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1.5 acre portion of land located at 3601

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Horseblock Road, Medford, New York 11763 (more

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particularly described as Suffolk County Tax

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Map No. 0200-738.00-02.00-p/o 003.001) (the

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"Land"), and the construction of an

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approximately 5,000 square foot, 6.0 MW fuel

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cell power plant thereon (the **"Improvements"**),

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and the acquisition and installation of

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certain equipment and personal property (the

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"Equipment"; and together with the Land and

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the Improvements, the **"Facility"**), which

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Facility will be sub-subleased and subleased

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by the Agency to the Company and used by the

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Company to supply clean energy to the

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residents of the Town of Brookhaven

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(collectively, the **"Project"**).

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AEP Onsite Partners, LLC, a Delaware

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limited liability company, on behalf of itself

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and/or the principals of AEP Onsite Partners,

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LLC and/or an entity formed or to be formed on

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behalf of any of the forgoing (collectively,

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"AEP"), has now applied to the Agency for the

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Agency's consent to the acquisition by AEP of

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up to one hundred percent (100%) of the equity

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interests in the Company. The Company will

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remain lessee of the Project from the Agency.

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It is anticipated that the Company and Bloom

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Energy Corporation will enter into a long term

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Operations and Maintenance Agreement, whereby

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Bloom Energy Corporation will operate and

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maintain the Project.

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A representative of the Agency will at

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the above-stated time and place hear and

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accept written comments from all persons with

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views in favor of or opposed to the

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acquisition of the Company and the Facility by

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AEP. At the hearing, all persons will have

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the opportunity to review the application for

12

financial assistance filed by AEP with the

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Agency and an analysis of the costs and

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benefits of the proposed Facility.

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Dated: March 14, 2020.

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TOWN OF BROOKHAVEN INDUSTRIAL

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DEVELOPMENT AGENCY.

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By: Lisa MG Mulligan.

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Title: Chief Executive Officer.

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I'm Lisa Mulligan and I think Jocelyn

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Linse, I think we're the only people on this

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call.

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MS. LINSE: I think you're correct.

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MS. MULLIGAN: Okay.

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So we'll leave it open for another 25

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minutes and see if anybody decides to join.

(Pause.)

MS. MULLIGAN: It's 3:30. There's been no comment or participation in this public hearing, so at this time, I am going to close the public hearing for comment.

(Time noted: 3:30 p.m.)

I, JOANN O'LOUGHLIN, a Notary Public for and within the State of New York, do hereby certify that the above is a correct transcription of my stenographic notes.

JOANN O'LOUGHLIN