TOWN OF BROOKHAVEN
INDUSTRIAL DEVELOPMENT AGENCY

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

June 8, 2020
10:00 a.m.

TRANSCRIPT OF PROCEEDINGS
APPEARANCES:

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 is ten a.m. on Monday, June 8, 2020. This is the public hearing for the Orbit Bloom Energy, LLC project.

My name is Lisa Mulligan. I'm the CEO of the Town of Brookhaven Industrial Development Agency and I am going to read the NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN due to the Novel Coronavirus (COVID-19) Emergency State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020, as amended by Executive Order 202.14, issued on April 7, 2020, suspending the Open Meetings Law, and Executive Order 202.15 issued on April 9, 2020 permitting local governments to hold public hearings by telephone and video conference and/or similar device, the Public Hearing scheduled for June 8, 2020, at 10:00 a.m., local time, to be 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 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 (defined below) during the Public Hearing, by calling (712)770-5505 and entering access code 884-124. Comments may also be submitted to the Agency in writing or electronically. Minutes of the Public Hearing will be transcribed and posted on the Agency's website, all in connection with the following matters:

The Agency previously provided assistance to Orbit Bloom Energy, LLC, a Delaware limited liability company authorized to transact business in the State of New York (the "Company"), in the acquisition of a ground leasehold interest in an approximately 1.5 acre portion of land located at 3601 Horseblock Road, Medford, New York 11763 (more particularly described as Suffolk County Tax Map No. 0200-738.00-02.00-p/o 003.001) (the "Land"), and the construction of an approximate 5,000 square foot, 6.0 MW fuel
cell power plant thereon (the "Improvements"),
and the acquisition and installation of
certain equipment and personal property (the
"Equipment"; and together with the Land and
the Improvements, the "Facility"), which
Facility will be sub-subleased and subleased
by the Agency to the Company and used by the
Company to supply clean energy to the
residents of the Town of Brookhaven
(collectively, the "Project").

DG Fuel Cell, LLC, a Delaware limited
liability company, on behalf of itself and/or
the principals of DG Fuel Cell, LLC and/or an
entity formed or to be formed on behalf of any
of the foregoing (collectively, "DG Fuel
Cell"), has now applied to the Agency for the
Agency's consent to the acquisition by DG Fuel
Cell of up to one hundred percent (100%) of
the equity interests in the Company. The
Company will remain lessee of the Project from
the Agency. It is anticipated that the
Company and Bloom Energy Corporation will
enter into a long term Operations and
Maintenance Agreement, whereby Bloom Energy
Corporation will operate and maintain the Project.

A representative of the Agency will at the above-stated time and place hear and accept written comments from all persons with views in favor of or opposed to the acquisition of the Company and the Facility by DG Fuel Cell. Prior to the hearing, all persons will have the opportunity to review on the Agency's website (https://brookhavenida.org/), the application for financial assistance filed by DG Fuel Cell with the Agency and an analysis of the costs and benefits of the Facility.

Dated: May 28, 2020

TOWN OF BROOKHAVEN

INDUSTRIAL DEVELOPMENT AGENCY

By: Lisa MG Mulligan

Title: Chief Executive Officer

Has anyone joined the call?

(No response.)

MS. MULLIGAN: Hearing no one, right now it's just me, Lisa Mulligan and Jocelyn Linse, both of the Brookhaven IDA.
(Pause.)

MS. MULLIGAN: It is 10:30 on Monday, June 8, 2020. There has been no comment at the public hearing for Orbit Bloom Energy, LLC.

Hearing no comment, I’m going to close the public hearing at 10:30 a.m.

(Time noted: 10:30 a.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.
TOWN OF BROOKHAVEN

INDUSTRIAL DEVELOPMENT AGENCY

PUBLIC HEARING

HELD BY CONFERENCE CALL

RE: ORBIT BLOOM ENERGY, LLC

March 24, 2020
3:00 p.m.

TRANSCRIPT OF PROCEEDINGS

* * *
APPEARANCES:

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
submitted to the Agency in writing or electronically. Minutes of the Public Hearing will be transcribed and posted on the Agency's website.

REVISED NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Town of Brookhaven Industrial Development Agency (the "Agency") on the 24th day of March, 2020, at 3:00 p.m. local time, electronically by calling (712)770-5505 and entering access code 884-124, in connection with the following matters:

The Agency previously provided assistance to Orbit Bloom Energy, LLC, a Delaware limited liability company authorized to transact business in the State of New York (the "Company"), in the acquisition of a ground leasehold interest in an approximately 1.5 acre portion of land located at 3601 Horseblock Road, Medford, New York 11763 (more particularly described as Suffolk County Tax Map No. 0200-738.00-02.00-p/o 003.001) (the
"Land"), and the construction of an approximately 5,000 square foot, 6.0 MW fuel cell power plant thereon (the "Improvements"), and the acquisition and installation of certain equipment and personal property (the "Equipment"; and together with the Land and the Improvements, the "Facility"), which Facility will be sub-subleased and subleased by the Agency to the Company and used by the Company to supply clean energy to the residents of the Town of Brookhaven (collectively, the "Project").

AEP Onsite Partners, LLC, a Delaware limited liability company, on behalf of itself and/or the principals of AEP Onsite Partners, LLC and/or an entity formed or to be formed on behalf of any of the forgoing (collectively, "AEP"), has now applied to the Agency for the Agency's consent to the acquisition by AEP of up to one hundred percent (100%) of the equity interests in the Company. The Company will remain lessee of the Project from the Agency. It is anticipated that the Company and Bloom Energy Corporation will enter into a long term
Operations and Maintenance Agreement, whereby Bloom Energy Corporation will operate and maintain the Project.

A representative of the Agency will at the above-stated time and place hear and accept written comments from all persons with views in favor of or opposed to the acquisition of the Company and the Facility by AEP. At the hearing, all persons will have the opportunity to review the application for financial assistance filed by AEP with the Agency and an analysis of the costs and benefits of the proposed Facility.


TOWN OF BROOKHAVEN INDUSTRIAL DEVELOPMENT AGENCY.

By: Lisa MG Mulligan.

Title: Chief Executive Officer.

I'm Lisa Mulligan and I think Jocelyn Linse, I think we're the only people on this call.

MS. LINSE: I think you're correct.

MS. MULLIGAN: Okay.

So we'll leave it open for another 25
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.

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JOANN O'LOUGHLIN