

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
New York Independent System  
Operator, Inc.  
Docket No. ER22-2605-000

Issued: October 3, 2022

New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144  
Attention: Sara B. Keegan

Reference: Engineering, Procurement, and Construction Agreement

On August 5, 2022, New York Independent System Operator, Inc. (NYISO) submitted an Engineering, Procurement, and Construction Agreement (EPC Agreement) among NYISO; KCE NY 6, LLC (KCE), as Interconnection Customer; Niagara Wind Power, LLC and Erie Wind, LLC, as, collectively, Affected-System Operator; and Niagara Mohawk Power Corporation, as Connecting Transmission Owner, designated as Service Agreement No. 2723 under NYISO's Open Access Transmission Tariff.<sup>1</sup> NYISO states that the EPC Agreement governs the rates, terms, and conditions regarding the engineering, procurement, and construction of Affected System Upgrade Facilities. NYISO requested that the EPC Agreement be accepted effective July 22, 2022.

Pursuant to authority delegated to the Director, Division of Electric Power Regulation – East, under 18 C.F.R. § 375.307 (2021), the submittal is accepted for filing, effective July 22, 2022, as requested.<sup>2</sup>

The filing was publicly noticed, with interventions and protests due on or before August 26, 2022. Pursuant to Rule 214 of the Commission's regulations (18 C.F.R. § 385.214 (2021)), notices of intervention, timely-filed motions to intervene, and any unopposed motions to intervene out-of-time filed before the issuance date of this order are granted. Granting a late intervention at this stage of the proceeding will not disrupt

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<sup>1</sup> New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2723, EPC Agreement among NYISO, KCE, Niagara, Erie, NatGrid \(0.0.0\)](#).

<sup>2</sup> See 18 C.F.R. § 35.3(a)(2) (2021).

the proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed document(s); nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the applicant.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713 (2021).

Issued by: Kurt M. Longo, Director, Division of Electric Power Regulation – East