

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

Niagara Mohawk Power Corporation  
Docket No. ER13-1686-000

Issued: 7/18/13

National Grid USA  
Service Company, Inc.  
40 Sylvan Road  
Waltham, MA 02451

Attention: Amanda Downey  
Counsel for National Grid USA

Reference: Small Generator Interconnection Agreement

Dear Mr. Atkins:

On June 14, 2013, Niagara Mohawk Power Corporation d/b/a National Grid USA (Niagara Mohawk) submitted for filing a Small Generator Interconnection Agreement (SGIA) between Niagara Mohawk and Synergy Biogas LLC (Synergy) under the New York Independent System Operator, Inc.'s (NYISO) Open Access Transmission Tariff (OATT).<sup>1</sup> You state that Synergy owns a farm waste-fueled generating plant located in Wyoming County, New York, and that the SGIA provides for the construction and operation of facilities interconnecting the generating plant with Niagara Mohawk's distribution facilities, as well as terms governing metering, cost responsibility, *etc.*

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation – East, under 18 C.F.R. §375.307, your submittal is accepted for filing, effective August 14, 2013, as requested.

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<sup>1</sup> Designated as Service Agreement No. 2006 of the NYISO OATT. It appears that contrary to the requirements of section 35.3 of the Commission's regulations, 18 C.F.R. § 35.3 (2012), Niagara Mohawk failed to file the SGIA in a timely manner. Niagara Mohawk is reminded that it must submit required filings on a timely basis, or face possible sanctions by the Commission.

For any monies collected before the effective date, Niagara Mohawk must refund the time value of monies actually collected (e.g. gross revenues), calculated pursuant to 18 C.F.R. §35.19a (2012), for the time period during which the rates were charged without Commission authorization.<sup>2</sup> We limit the time value refunds to ensure that Niagara Mohawk will be refunding only the time value of money that it was never authorized to receive. In *Carolina Power and Light Co.*, the Commission clarified that a utility is permitted to recover its variable costs (e.g., fuel and O&M).<sup>3</sup> Accordingly, we will direct Niagara Mohawk to make such refund to Synergy within 30 days of the date of the issuance of this order, and to submit a refund report to the Commission, within 60 days of the date of the issuance of this order, stating the amounts that it has refunded to Synergy. If there are instances where paying the time-value refunds would prevent Niagara Mohawk from recovering its variable costs, in the refund report, Niagara Mohawk must also provide specifics identifying the types and amounts of variable costs and sufficiently demonstrate that losses would be incurred.<sup>4</sup>

The filing was noticed on June 14, 2013, with comments, interventions, and protests due on or before July 5, 2013. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2012)), to the extent that any timely filed motions to intervene and any motion to intervene out-of-time were filed before the issuance date of this order, such interventions are granted. Granting late interventions at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification, or any rule, regulation, or practice affecting such rate or service contained in your filing; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance 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 Niagara Mohawk.

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<sup>2</sup> *El Paso Electric Company*, 101 FERC ¶ 61,276, *reh'g denied*, 105 FERC ¶ 61,131 (2003).

<sup>3</sup> *Carolina Power & Light Co.*, 87 FERC ¶ 61,083, at 61,357 (1999); *Florida Power & Light Co.*, 98 FERC ¶ 61,276, at 62,151 (2002).

<sup>4</sup> *See e.g., OREG 1, Inc. et al.*, 138 FERC ¶ 61,110 (2012).

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.

Sincerely,

Jignasa Gadani, Director  
Division of Electric Power  
Regulation – East