

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

New York Independent System
Operator, Inc. and
Niagara Mohawk Power Corporation
Docket No. ER16-1957-000

Issued: 8/2/16

New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144

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

Attention: Sara Branch Keegan, Esq.
Senior Attorney for New York Independent System Operator, Inc.

Amanda C. Downey, Esq.
Senior Counsel for National Grid Service Company, Inc.

Reference: Commercial Agreement

Dear Ms. Keegan and Ms. Downey:

On June 17, 2016, New York Independent System Operator, Inc. (NYISO) filed, on behalf of Niagara Mohawk Power Corporation (Niagara Mohawk), a Commercial Agreement between Niagara Mohawk and New York State Electric & Gas Corporation (NYSEG).¹ The filing states that the Commercial Agreement is an undisputed agreement to accommodate NYSEG's proposed construction of a new 115kv transmission line known as the Auburn Transmission Project. The filing also states that the Commercial Agreement would likely be considered a ¹New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2283, Commercial Agreement \(SA 2283\) NMPC and NYSEG, 0.0.0.](#)

Contribution in Aid of Construction agreement, since it relates to the recovery of costs for engineering, procurement, and construction services.

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, effective April 20, 2016, as requested.²

The filing was noticed on June 17, 2016, with comments, interventions, and protests due on or before July 8, 2016. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2015)), 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 NYISO or Niagara Mohawk.

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,

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

² It appears that contrary to the requirements of section 35.3 of the Commission's regulations, 18 C.F.R. § 35.3 (2015), Niagara Mohawk failed to file the Commercial Agreement in a timely manner. Niagara Mohawk is reminded that they must submit required filings on a timely basis, or face possible sanctions by the Commission.