

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

New York Independent System Operator, Inc.,
Central Hudson Gas & Electric Corp., and
Niagara Mohawk Power Corporation
Docket No. ER19-2543-000

Issued: 10/3/19

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Reference: Executed Engineering, Procurement, and Construction Agreement

On August 7, 2019, New York Independent System Operator, Inc. (NYISO), Central Hudson Gas & Electric Corp., and Niagara Mohawk Power Corporation d/b/a National Grid (together, Joint Filing Parties) filed an executed engineering, procurement, and construction agreement (EPC Agreement), designated as Service Agreement No. 2449 under the NYISO's Open Access Transmission Tariff (OATT).¹ Joint Filing Parties state that consistent with Commission precedent and NYISO practice, the EPC Agreement was developed using the *pro forma* Large Generator Interconnection Agreement (Pro Forma LGIA) under Attachment X of the NYISO OATT as a template. Joint Filing Parties state the EPC Agreement deviates from the Pro Forma LGIA with modifications that are consistent with the approach the Commission has accepted with regard to similar EPC agreements.²

¹ New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2449, EPC \(SA 2449\) NYISO NMPC Central Hudson et al, 0.0.0.](#)

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 June 28, 2019, as requested.

The filing was noticed on August 8, 2019, with comments, interventions, and protests due on or before August 28, 2019. Pursuant to Rule 214 (18 C.F.R. § 385.214 (2019)), 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 Joint Filing Parties.

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.

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

² Transmittal at 4 (citing *New York Independent System Operator, Inc., and Niagara Mohawk Power Corporation, Letter Order*, Docket No. ER08-230-000 (December 18, 2007); see also *New York Independent System Operator, Inc., Letter Order*, Docket No. ER15-2083-000 (August 19, 2015)).