

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

New York Independent System Operator, Inc.
Docket No. ER20-1156-000

Issued: April 16, 2020

Brian R. Hodgdon, Esq.
New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144

Reference: Development Agreement

On March 4, 2020, New York Independent System Operator, Inc. (NYISO) filed an executed nonconforming Development Agreement among NYISO, LS Power Grid New York Corporation I (LS Power), and the New York Power Authority (NYPA), designated as Service Agreement No. 2514 under NYISO's Open Access Transmission Tariff (OATT).¹ NYISO states that the Development Agreement addresses the development and construction of a Public Policy Transmission Project (Project) that was jointly submitted by LS Power and NYPA, and selected as the transmission solution to satisfy a Public Policy Transmission Need identified as part of NYISO's Public Policy Transmission Planning Process. NYISO further states that the Development Agreement contains nonconforming provisions from the *pro forma* Development Agreement contained in Attachment Y of the OATT which address the co-development of the Project by LS Power and NYPA and their joint and several liability for the obligations under the Development Agreement.

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 February 3, 2020, as requested.

The filing was noticed on March 4, 2020, with comments, interventions and protests due on or before March 25, 2020. 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

¹ New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2514, Sgmnt A Dvlpmnt Agrmnt NYISO, LS Power Grid New York & NYPA, 0.0.0.](#)

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.

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