

175 FERC ¶ 61,105
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

May 7, 2021

In Reply Refer To:
New York Independent System Operator, Inc.
Docket No. ER21-1312-000

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

Avangrid Networks, Inc.
89 East Avenue, 9th Floor
Rochester, NY 14649

Attention: Sara B. Keegan and Amy A. Davis

Dear Ms. Keegan and Ms. Davis:

1. On March 10, 2021, pursuant to section 205 of the Federal Power Act¹ and section 35.13 of the Commission's regulations,² the New York Independent System Operator, Inc. (NYISO) and New York State Electric & Gas Corporation (NYSEG) (collectively, Filing Parties) filed an executed Amended and Restated Large Generator Interconnection Agreement (Amended Agreement) entered into among NYISO, NYSEG as the connecting transmission owner, and Baron Winds, LLC (Baron Winds) as the developer.³ The Amended Agreement is designated as Service Agreement No. 2487 under the NYISO Open Access Transmission Tariff (OATT).⁴ Filing Parties state that the Amended Agreement conforms to the *pro forma* Large Generator Interconnection Agreement in Attachment X of NYISO's OATT. Filing Parties assert that the Amended Agreement supersedes the Large Generator Interconnection Agreement among NYISO,

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2020).

³ New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2487, LGIA NYISO, NYSEG, and Baron Winds, 1.0.0.](#)

⁴ Amended Agreement Filing, Transmittal Letter at 1.

NYSEG, and Baron Winds that the Commission previously accepted in Docket No. ER20-1100-000.⁵ Filing Parties state that Baron Winds is constructing a wind farm with a total capacity of 234.675 MW located in the towns of Cohocton, Wayland, Dansville, and Fremont in Steuben County, New York, which will interconnect to certain facilities of NYSEG that are part of the New York State Transmission System. Filing Parties further explain that the Amended Agreement reflects modification by Baron Winds of its project, under which Baron Winds will split the project into two phases: phase 1 will have a capacity of 126 MW and phase 2 will add an additional capacity of 109 MW. Filing Parties request that the Commission waive the prior notice requirement to permit an effective date of February 24, 2021 for the Amended Agreement, which is the date of its execution.⁶

2. Notice of NYISO's filing was published in the *Federal Register*, 86 Fed. Reg. 14,425 (Mar. 16, 2021) with interventions and protests due on or before March 31, 2021. On April 7, 2021, Alice Sokolow filed comments out-of-time alleging discrepancies in the Filing Parties' description of the timeline applicable to the project's modification in the proceedings before the Commission and New York State.⁷ On April 20, 2021, NYISO filed an answer to the late-filed comments. According to NYISO, the comments conflate the applicable requirements in the NYISO OATT and under New York State law for siting generation facilities.⁸ In addition, NYISO states that the comments neither request that the Commission reject the Amended Agreement, nor do they raise any specific concerns with the Amended Agreement. NYISO explains that a developer may propose to modify its project at any time under the Large Facility Interconnection Procedures in Attachment X of NYISO's OATT, subject to a NYISO evaluation and determination that the proposed modification is not material. NYISO explains further that this modification process solely concerns how the project is addressed in the NYISO's interconnection procedures, and that a developer's need to satisfy its obligations in the OATT to interconnect its project is separate from any obligation it may have under New York State law concerning the siting of the project. NYISO clarifies that as NYISO, NYSEG, and Baron Wind had already executed a Large Generator Interconnection Agreement for the project, the parties agreed to amend the agreement to reflect the modified project. NYISO states that it performed the evaluation and determined that the modification was not material. NYISO clarifies that

⁵ *Id.* at 2 (citing *N.Y. Indep. Sys. Operator, Inc.*, Docket No. ER20-1100-000 (Apr. 2, 2020) (delegated order)).

⁶ *Id.* at 3 & n.8 (citing for support *N.Y. Indep. Sys. Operator, Inc.*, Docket No. ER11-2953-000 (Apr. 7, 2011) (delegated order) (accepting interconnection agreement effective as of date of execution)).

⁷ Comments of Alice Sokolow at 1.

⁸ NYISO Answer at 2.

any action that Baron Winds may or may not be required to take at the New York Public Service Commission to address any changes to its project as it relates to the siting of the project is beyond the scope of the NYISO's interconnection procedures and immaterial to this proceeding.

3. Pursuant to Rule 213(a)(3) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(3) (2020), NYISO's answer to the comments is permitted.

4. We find that NYISO has clarified the timeline applicable to the project modification. We accept as just and reasonable NYISO's Amended Agreement, effective February 24, 2021, as requested, because it is a conforming agreement that supersedes a prior Commission-approved agreement to reflect the project modification made by Baron Winds. We grant NYISO's requested waiver of the Commission's prior notice requirement to reflect the execution date of the Amended Agreement.⁹

By direction of the Commission.

Debbie-Anne A. Reese,
Deputy Secretary.

⁹ See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, at 61,983-84, *order on reh'g*, 65 FERC ¶ 61,081 (1993) (the Commission will grant waiver of the 60-day prior notice requirement "if service agreements are filed within 30 days after service commences.").