

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

New York Independent System  
Operator, Inc.  
Docket No. ER21-1495-000

Issued: May 20, 2021

Sara B. Keegan, Esq.  
New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144

Reference: Engineering, Procurement, and Construction Agreement – Service  
Agreement No. 2598

On March 22, 2021, the New York Independent System Operator, Inc. (NYISO) filed an executed Engineering, Procurement, and Construction Agreement among NYISO, Flat Rock Windpower LLC (Flat Rock), as the Affected System Operator, PPM Roaring Brook LLC (Roaring Brook), as the Developer, and Niagara Mohawk Power Corporation (Niagara Mohawk), designated as Service Agreement No. 2598 under NYISO's Open Access Transmission Tariff (OATT) (EPC Agreement).<sup>1</sup> NYISO states that the EPC Agreement governs the rates, terms, and conditions regarding the engineering, procurement, and construction of certain system upgrade facilities that are required at Flat Rock's Rector Road Substation for Roaring Brook's wind generation farm to interconnect reliably to the New York State Transmission System (Affected System Upgrade Facilities). NYISO also states that the EPC Agreement is consistent with NYISO's *pro forma* standard Large Generator Interconnection Agreement in Attachment X of the NYISO OATT, modified to address only the engineering, procurement, and construction of the Affected System Upgrade Facilities. NYISO requests that the EPC Agreement be accepted effective March 8, 2021.

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 March 8, 2021, as requested.<sup>2</sup>

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<sup>1</sup> New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2598, EPC agreement NYISO, NMPC, and Roaring Brook for Flat Rock, 0.0.0.](#)

<sup>2</sup> See 18 CFR 35.3(a)(2) (2020).

The filing was noticed on March 22, 2021, with comments, interventions, and protests due on or before April 12, 2021. Pursuant to Rule 214 (18 C.F.R. § 385.214), 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.

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