

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
New York Independent System Operator, Inc.
Docket No. ER21-2672-000

Issued: October 8, 2021

Day Pitney LLP
555 11th Street NW
Washington, DC 20004
Attention: Evan C. Reese III

Reference: Amended and Restated Engineering, Procurement & Construction
Agreement

On August 13, 2021, New York Transco, LLC (NY Transco) submitted for filing an Amended and Restated Engineering, Procurement & Construction Agreement (EPC Agreement), entered into by NY Transco, ADM Milling Co. (ADM Milling), and the New York Independent System Operator, Inc. (NYISO), designated as Service Agreement No. 2643 under the NYISO's Open Access Transmission Tariff.¹ You explain that the EPC Agreement is entered into to facilitate the terms and conditions for conducting certain design and engineering activities and for access to the ADM Milling substation in order to accommodate NY Transco's development of the New York Energy Solution Project, which was selected by NYISO as the more efficient or cost-effective solution to its Public Policy Transmission Need solicitation. You request that the EPC Agreement be accepted effective July 28, 2021.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation – East, under 18 C.F.R. § 375.307 (2020), the submittal is accepted for filing, effective July 28, 2021, as requested.²

The filing was publicly noticed, with interventions and protests due on or before September 3, 2021. Pursuant to Rule 214 of the Commission's regulations (18 C.F.R. § 385.214 (2020)), notices of intervention, timely-filed motions to intervene, and any

¹ New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2643, E&P Agreement between Transco, ADM Milling and NYISO, 0.0.0.](#)

² See 18 C.F.R. § 35.3(a)(2) (2020).

unopposed motions to intervene out-of-time filed before the issuance date of this order are granted. Granting a late intervention at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties. No protests or adverse comments were filed.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the filed document(s); nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such action 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 the applicant.

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 (2020).

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