

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
New York Independent System
Operator, Inc.
Niagara Mohawk Power Corporation
Docket No. ER22-1119-000

Issued: April 19, 2022

Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219

National Grid
40 Sylvan Road
Waltham, MA 02451

Attention: Michael J. Messonnier, Jr., Esq. and Christopher J. Novak, Esq.

Reference: Engineering, Procurement, and Construction Agreement – Service
Agreement No. 2688

On February 25, 2022, you filed, on behalf of New York Independent System Operator, Inc. (NYISO) and Niagara Mohawk Power Corporation (NMPC) (together, Joint Filing Parties), an executed Engineering, Procurement, and Construction Agreement (EPC Agreement) among NYISO, NMPC, and NextEra Energy Transmission New York, Inc. (NextEra).¹ NextEra is constructing the Empire State Line Project which will require the construction of Network Upgrade Facilities on NMPC's transmission system. You state that the EPC Agreement governs the rates, terms, and conditions regarding the engineering, procurement, and construction of the required Network Upgrade Facilities on NMPC transmission system. Joint Filing Parties requested that the EPC Agreement be accepted for filing effective February 18, 2022.

¹ New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2688, EPC Agreement among NYISO, NMPC, NextEra \(0.0.0\)](#).

Pursuant to authority delegated to the Director, Division of Electric Power Regulation – East, under 18 C.F.R. § 375.307 (2021), the submittal is accepted for filing, effective February 18, 2022, as requested.²

The filing was publicly noticed on February 25, 2022, with interventions and protests due on or before March 18, 2022. Pursuant to Rule 214 of the Commission’s regulations (18 C.F.R. § 385.214 (2021)), notices of intervention, timely-filed motions to intervene, and any 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 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 (2021).

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

² See 18 C.F.R. § 35.3(a)(2) (2021).