

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
New York Independent System
Operator, Inc.
NextEra Transmission New York Inc.
Docket No. ER22-2647-000

Issued: October 5, 2022

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Reference: Engineering, Procurement, and Construction Agreement

On August 12, 2022, the New York Independent System Operator, Inc. (NYISO) and NextEra Energy Transmission New York Inc. (NEETNY) submitted an engineering, procurement, and construction agreement in connection with the Excelsior Energy Center solar project among the NYISO, NEETNY, and Excelsior Energy Center, LLC.¹ The Filing Parties requested that the filing be accepted effective July 29, 2022. Pursuant to the authority delegated to the Director, Division of Electric Power Regulation – East, under 18 C.F.R. § 375.307 (2021), your submittal is accepted for filing effective July 29, 2022, as requested.²

¹ New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2690, EPC Agreement among NYISO, NEETNY, Excelsior Energy Center \(0.0.0\)](#).

² See 18 C.F.R. § 35.11 (2021); *Cent. Hudson Gas & Elec. Corp.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992); *but see Sunflower Elec. Power Corp.*, 173 FERC ¶ 61,054 (2020) (Danly, Comm'r, dissenting).

The filing was publicly noticed on August 12, 2022, with interventions and protests due on or before September 2, 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 motion 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 the applicant(s).

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