

187 FERC ¶ 61,129
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

May 31, 2024

In Reply Refer To:
New York Independent System
Operator, Inc.
Niagara Mohawk Power
Corporation
Docket Nos. ER23-1271-002
ER23-1271-001

National Grid USA
170 Data Drive
Waltham, MA 02451

Attention: David Lodemore, Esq.
Attorney for Niagara Mohawk Power Corporation

Dear David Lodemore:

1. On March 5, 2024, New York Independent System Operator, Inc. (NYISO) filed, on behalf of Niagara Mohawk Power Corporation (Niagara Mohawk), a Settlement Agreement and Offer of Settlement (Settlement) addressing Niagara Mohawk's recovery of costs associated with its capital investments in two portions of "Segment A" of the "AC Transmission Public Policy Transmission Project." On March 25, 2024, Commission Trial Staff filed comments supporting the Settlement. On April 16, 2024, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.¹

2. Article VI of the Settlement provides that:

The standard of review for any proposed change to the terms of this Settlement sought by fewer than all of the Settling Parties and opposed by any other Settling Party shall be the "public interest" application of the just and reasonable standard of review set forth in *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956), and *Federal Power Commission v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956). With respect to proposed changes to the terms of this Settlement agreed to by all of the Settling Parties or sought by a party other than a

¹ *N.Y. Indep. Sys. Operator, Inc.*, 187 FERC ¶ 63,004 (2024).

Settling Party, or by the Commission acting *sua sponte*, the standard of review shall be the ordinary just and reasonable standard.

3. The Settlement resolves all issues set for hearing Docket No. ER23-1271-001.² The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. The Commission's approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in these proceedings.

4. Niagara Mohawk, in conjunction with NYISO, is directed to make a compliance filing with revised tariff records in eTariff format,³ within 30 days of this order, to reflect the Commission's action in this order.

By direction of the Commission.

Debbie-Anne A. Reese,
Acting Secretary.

² *N.Y. Indep. Sys. Operator, Inc.*, 184 FERC ¶ 61,076 (2023).

³ *See Elec. Tariff Filings*, Order No. 714, 124 FERC ¶ 61,270 (2008), *order on reh'g*, Order No. 714-A, 147 FERC ¶ 61,115 (2014). Niagara Mohawk and NYISO are reminded to use an eTariff Record Effective Priority Order number higher than used in Docket No. ER23-1271-001 to ensure the tariff records approved as part of the Settlement become the effective rate.