

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
Niagara Mohawk Power Corporation
Docket No. ER10-3165-000

Issued: 10/27/10

Daniel Galaburda
Senior Counsel
National Grid USA Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451

Reference: Engineering, Procurement and Construction Services Agreement

Dear Mr. Galaburda:

On September 29, 2010, Niagara Mohawk Power Corporation, d/b/a National Grid (Niagara Mohawk) submitted for filing an Engineering, Procurement and Construction Services Agreement (EPC Agreement) between Niagara Mohawk and Beacon Power Corporation (Beacon Power).¹ You state that under the EPC Agreement, Niagara Mohawk will provide, at Beacon Power's sole cost and expense, design, engineering, procurement, construction and project management necessary to effectuate certain required system upgrades. You also state that Niagara Mohawk will only collect from Beacon Power any actual costs for the work performed under this EPC Agreement.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - East, under 18 C.F.R. § 375.307, your submittal filed in the above referenced docket is accepted for filing, effective November 29, 2010, as requested.

Notice of the filing was published in the *Federal Register*, with comments, protests, or interventions due on or before October 20, 2010. No protests or adverse comments were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to Rule 214 of the Commission's Rules of Practice and

¹ Original Service Agreement No. 1630, under New York Independent System Operator, Inc.'s Open Access Transmission Tariff, FERC Electric Tariff, Original Volume No. 1.

Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

This acceptance for filing shall not be construed as constituting approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; 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 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 your company.

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.

Sincerely,

Jignasa Gadani, Director
Division of Electric Power
Regulation – East

cc: All Parties