



September 5, 2019

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: *Rochester Gas and Electric Corporation and New York Power Authority*
Executed Interconnection Agreement
Docket No. ER19-____-000

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d and Section 35 of the Commission's regulations, Rochester Gas and Electric Corporation ("RGE"), an indirect subsidiary of Avangrid, Inc., and New York Power Authority ("NYPA," and, together with RGE, the "Parties") hereby submit for filing a Transmission Facilities Interconnection Agreement (the "IA") between RGE and NYPA. The IA is labeled as Service Agreement No. 2433 under the New York Independent System Operator's ("NYISO") Open Access Transmission Tariff.

While the Parties did not enter into the *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") contained in Appendix 6 to Attachment X of the OATT, the IA is generally consistent with the Pro Forma LGIA as described below. The Commission has previously accepted similar interconnection agreements for transmission wires-to-wires interconnections filed by public utilities under comparable circumstances.¹ The OATT does not contain a *pro forma* interconnection agreement for transmission interconnections such as the interconnection involved here.

For the reasons discussed below, the Parties request waiver of the 60-day prior notice to permit the IA to become effective as of the execution date, August 12, 2019.

I. DESCRIPTION OF PARTIES

RGE is public utility subject to the Commission's jurisdiction that owns transmission facilities under the operational control of the NYISO. RGE serves residential, commercial, and industrial retail electric customers in its service territory in and near Rochester, New York, which territory contains a population of approximately 900,000.

NYPA is a corporate municipal instrumentality and political subdivision of the State of New York (the "State"), organized under the laws of the State, and operating pursuant to Title 1 of Article 5 of the New York Public Authorities Law. NYPA's power

¹ See *N.Y. Indep. Sys. Operator, Inc. & N.Y. State Elec. & Gas Corp.*, Docket No. ER16-1230-000 (May 6, 2016); *N.Y. Indep. Sys. Operator, Inc.*, Docket No. ER15-2398-000 (Sept. 18, 2015).



supply customers include the City of New York, the Metropolitan Transportation Authority, the Port Authority of New York, municipalities, co-ops and economic development customers statewide.

II. BACKGROUND

The Rochester Area Reliability Project (“RARP” or the “Project”) will create a new source for RGE by tapping the NYPA 345kV cross-state lines via a new 345kV to 115kV substation called Station 255 and constructing two new 115kV transmission lines from Station 255 to points on RGE’s existing 115kV system. RGE will construct two new 300MVA 115kV lines—one from Station 255 to Station 418 and another from Station 255 to Station 23. A new 345 kV line will be constructed from the new Station 255 to Station 80.

Station 255 will be constructed with 345kV and 115kV breaker-and-a-half arrangements and two 345/115kV 448MVA transformers. The transmission line scope includes construction of a new 345kV Circuit 40 (1.3 miles), 115kV Circuit 940 (10.5 miles) and 115kV Circuit 941 (12.0 miles) as well as the relocation of existing 115 kV Circuit 906 (2.5 miles) and modification of the NYPA 345kV cross-states lines to effect the interconnection. The Project includes associated protection, control and communication work at various affected substations.

III. DESCRIPTION OF IA

The rates, terms, and conditions of the IA were agreed to by RGE and NYPA and are generally consistent with the Pro Forma LGIA. The primary differences between the IA and the Pro Forma LGIA reflect: (1) the unique circumstances of the agreement, which addresses the interconnection of transmission facilities operated by the Parties rather than the interconnection of a generation facility to transmission; (2) the application of the agreement to transmission facilities, rather than generation facilities; (3) the NYISO is not a party to the IA; and (4) certain limited requirements are necessary to reflect NYPA’s unique legal status as a public authority governed under the New York Public Authorities Law. Key differences include:

- The IA specifies RGE’s and NYPA’s responsibilities for the design, construction, ownership, operation and maintenance of the transmission facilities that are needed to interconnect the RARP Project to the New York State Transmission System. For this reason, the IA does not include developer options for performing such work;
- The IA does not include the provisions in the Pro Forma LGIA that are specific to the interconnection of a generating facility, as the agreement concerns transmission facilities;



- Unlike the Pro Forma LGIA, the IA does not include references to the NYISO's interconnection studies in Attachment X of the OATT as the Rochester Area Reliability Project was not evaluated under that process, and clarifies that the provisions of Attachments S and X of the OATT, including the cost-allocation rules and procedures applicable to Attachment Facilities, will not be applicable to or binding upon RGE and NYPA;
- Section 5.2 of the Pro Forma LGIA lists the general conditions applicable to the Developer's Option to Build. The Parties have agreed to amend this list of conditions by adding a statement that the Developer must comply with Section 220 of New York's labor law, which requires that for work performed on NYPA's existing facilities, workman, laborers, and mechanics must be paid at least the prevailing wage set forth in that statute. Section 220 also addresses pay supplements, work hours, and payroll findings. The Commission has previously accepted this change to the Pro Forma LGIA;²
- Under Section 1007 of the New York Public Authorities Law, NYPA has the right to take real property through eminent domain when the NYPA trustees, in their discretion, deem an eminent domain taking necessary or convenient to acquire real property for the purposes described in such statute. The Parties have proposed to modify Article 5.13 of the Interconnection Agreement to make it clear that NYPA can only use efforts to acquire property by eminent domain if and to the extent consistent with State law (i.e., New York Public Authorities Law § 1007). NYPA must retain the right to have its trustees review, on a case-by-case basis, each request for NYPA to exercise its power of eminent domain and to exercise their discretion to approve or deny such request, consistent with the requirements of New York State law. The Commission has also previously accepted this specific variation to the Pro Forma LGIA;³ and
- Additional differences agreed upon by RGE and NYPA to reflect the unique circumstance of the interconnection.

NYSEG and NYPA respectfully request that the Commission accept the IA for filing.

² See *New York Independent System Operator, Inc., New York Power Authority and Consolidated Edison Company of New York, Inc.*, 139 FERC ¶ 61,180 (June 5, 2012 (accepting interconnection agreement of new transmission tie)).

³ *Id.* See also, *New York Independent System Operator, Inc. and New York Power Authority*, Docket No. ER15-1895 (July 16, 2015).



IV. REQUEST FOR CEII TREATMENT

Pursuant to the Commission's regulations at 18 C.F.R. §388.112 and 18 C.F.R. § 388.113, RGE and NYPA request that the one-line diagram included as part of Appendix A to the Agreement (Figure Appendix A.VI CEII One-Line) and certain other information that could be useful to a person planning attack on critical infrastructure (the "Confidential Information") be protected from disclosure as Critical Energy Infrastructure Information ("CEII"). The one-line diagram contains one-line schematics of transmission lines. In addition, the following sections could pose a threat to the security and the reliability of the New York State bulk power system if disclosed publicly: System Protection & Control Upgrades of Station 255 to Station 80 (Line HR-1, Line HR-2, Line 40), Kintigh Substation Upgrades, Circuit Information and Protection and Communication Requirements of the new Substation – Station 255.

The Confidential Information provides more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, the Confidential Information provides the exact nature, specific location, and additional potentially harmful information concerning facilities and transmission lines used to maintain the reliability of the New York State bulk power system. The System Protection and Control Upgrades, Substation Upgrades, Newly built Substation, Circuit Information and the one-line diagrams all reveal critical information related to the facilities and transmission depicted therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of these designated CEII sections would pose a threat to the reliability of the New York State bulk power system and to the health and safety of New York residents. Moreover, the information revealed in the Confidential Information reveals CEII that FERC has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The Confidential Information has been omitted from the Public version of the IA included in this filing. The Confidential Information is included only in the CEII version of the IA in this filing.

V. EFFECTIVE DATE AND REQUEST FOR WAIVER

The Parties respectfully requests that the Commission grant waiver of the 60-day notice requirement and accept the IA effective August 12, 2019. Good cause exists to grant waiver. The Commission previously has granted waiver of the 60-day prior notice requirement where an agreement was filed within 30 days of the commencement of service.⁴ In addition, granting waiver is appropriate because it will ensure that the effective date of the IA aligns with that agreed upon by the Parties. Granting the

⁴ See, e.g., *Ameren Illinois Co.*, Docket No. ER15-370-000 (Dec. 15, 2014) (unpublished letter order); *S. Cal. Edison Co.*, Docket No. ER15-76-000 (Nov. 17, 2014) (unpublished letter order); *MidAmerican Energy Co.*, Docket No. ER13-2399-000 (Nov. 6, 2013) (unpublished letter order).



proposed effective date will have no adverse effect on NYPA, and will have no adverse effect on RGE or its customers.

The Parties respectfully request a waiver of any Commission requirements not specifically addressed herein necessary to allow the IA to become effective as of August 12, 2019.

VI. COMMUNICATIONS

The individuals indicated below are designated for service under Rule 2010 of FERC's Rules of Practice and Procedure. Please direct all correspondence and communications regarding this filing to:⁵

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VII. CONTENTS OF FILING

In accordance with the Commission's eTariff regulations and other filing requirements,⁶ in addition to this transmittal letter this filing consists of

- a clean CEII Version of the IA (Attachment I);
- a clean Public Version of the IA (Attachment II); and
- a blacklined public version showing the IA's changes from the NYISO's *pro forma* LGIA (Attachment III).

⁵ RGE respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) to allow four persons to be added to the service list in this proceeding.

⁶ 18 C.F.R. § 35.3(a)(2).



Copies of this filing have been served by RGE upon the New York Public Service Commission and the New York Independent System Operator, Inc.

VIII. CONCLUSION

For the reasons discussed herein, RGE and NYPA respectfully request that the Commission accept the IA for filing with an effective date of August 12, 2019.

Respectfully submitted,

<u>/s/ Justin Atkins</u> Justin Atkins	<u>/s/ Andrew F. Neuman</u> Andrew F. Neuman
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