

**THIS FILING LETTER DOES NOT CONTAIN ANY CEIL. ATTACHMENTS I AND II DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT III INCLUDES A ONE-LINE SCHEMATIC FOR WHICH CEIL DESIGNATION IS REQUESTED IN PART III BELOW, AND IS SUBMITTED SEPARATELY.**

October 5, 2020

**By Electronic Delivery**

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

Re: Joint Filing of an Executed Small Generator Interconnection Agreement Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and SunEast Dog Corners Solar LLC; Request for Critical Energy Infrastructure Information Designation; Request for Waiver of the 60-Day Notice Period; Docket No. ER20-\_\_\_\_-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act<sup>1</sup> and Section 35.13 of the Commission's regulations,<sup>2</sup> the New York Independent System Operator, Inc. ("NYISO") and New York State Electric & Gas Corporation ("NYSEG") (together, the "Joint Filing Parties") hereby tender for filing an executed Small Generator Interconnection Agreement entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and SunEast Dog Corners Solar LLC ("Dog Corners"), as the Interconnection Customer (the "Interconnection Agreement").<sup>3</sup> The Interconnection Agreement is labeled as Service Agreement No. 2546 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing. With the limited exception described in Part I of this letter, the Interconnection Agreement conforms to the NYISO's *pro forma* Small Generator Interconnection Agreement ("Pro Forma SGIA") that is contained in Attachment Z to the OATT. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. § 35.13 (2019).

<sup>3</sup> Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachments S or X of the NYISO OATT, and if not defined therein, in the NYISO OATT and NYISO Market Administration and Control Area Services Tariff.

of the Commission's prior notice requirements<sup>4</sup> to make the Interconnection Agreement effective as of September 21, 2020, which is the date of its full execution. Finally, as described in Part III of this letter, NYSEG requests that the one-line diagram included in the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information.

**I. Discussion**

**A. Background**

Dog Corners is constructing a 20 MW solar electricity generating facility located in Cayuga County, New York (the "Facility"). Details regarding the Facility can be found in Attachment 2 of the Interconnection Agreement.

The Facility will interconnect to certain facilities of NYSEG that are part of the New York State Transmission System. The Point of Interconnection is the bus at NYSEG's existing Aurora Substation. Attachment 3 of the Interconnection Agreement includes a one-line diagram showing the Point of Interconnection.

**B. The Interconnection Agreement Closely Conforms to the Pro Forma SGIA Contained in Attachment Z of the NYISO OATT**

The Interconnection Agreement was fully executed on September 21, 2020 by the NYISO, NYSEG, and Dog Corners. The Interconnection Agreement largely conforms to the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT with the exceptions described below in this Part I.B. The Joint Filing Parties submit that the changes specified below satisfy the Commission's standard for variations from the Pro Forma SGIA, because unique circumstances exist that require a non-conforming agreement.<sup>5</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement with the non-conforming changes.

**1. Dog Corners's Construction of Portions of the Connecting Transmission Owner's Interconnection Facilities**

Section 1.5.3 of the Pro Forma SGIA provides that the Connecting Transmission Owner shall construct, operate, and maintain its Interconnection Facilities and Upgrades covered by the agreement. NYSEG and Dog Corners have agreed that Dogs Corners will be responsible for constructing certain Connecting Transmission Owner's Interconnection Facilities associated with the Facility. Accordingly, the parties agreed to modify Section 1.5.3 of the Interconnection Agreement to clarify that the Interconnection Customer, Dogs Corners, can construct the

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<sup>4</sup> See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, clarified, 65 FERC ¶ 61,081 (1993).

<sup>5</sup> See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

Connecting Transmission Owner's Interconnection Facilities with the agreement of the parties. The Commission has previously accepted this change to the Pro Forma SGIA.<sup>6</sup>

## **II. Proposed Effective Date and Request for Waiver of the 60-Day Notice Period**

The Joint Filing Parties request an effective date of September 21, 2020 for the Interconnection Agreement, which is the date of its full execution. The Joint Filing Parties respectfully request that the Commission waive its prior notice requirement to permit the requested effective date. The Commission has previously permitted interconnection agreements to become effective upon the date of execution.<sup>7</sup>

## **III. Request for CEII Treatment**

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>8</sup> NYSEG requests that that the one-line diagram included as Attachment 3 of the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>9</sup> The diagram contains detailed, one-line schematics of NYSEG's facilities that, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. The diagram provides more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, the schematics show the exact nature and specific location of facilities used to maintain the reliability of the New York State bulk power system.

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<sup>6</sup> See *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER20-1602-000 (June 18, 2020) (accepting modification to Section 1.5.3 to permit Interconnection Customer to construct Connecting Transmission Owner's Interconnection Facilities); *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER20-1602-000 (June 18, 2020) (same).

<sup>7</sup> See, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER11-2953-000 (April 7, 2011) (accepting interconnection agreement effective as of date of execution); see also *New York Independent System Operator, Inc. and Niagara Mohawk Power Corp.*, Letter Order, Docket No. ER08-985-000 (June 26, 2008) (same); *New York Independent System Operator, Inc. and New York Power Authority*, Letter Order, Docket No. ER08-861-000 (May 27, 2008) (same); *New York Independent System Operator, Inc. and New York Power Authority*, Letter Order, Docket No. ER08-699-000 (May 16, 2008) (same).

<sup>8</sup> 18 C.F.R. §§ 388.112 and 388.113 (2019).

<sup>9</sup> As required by Section 388.113(d)(1)(i) of the Commission's regulations, NYSEG has described in the filing letter how the one-line diagram in Attachment 3 of the Interconnection Agreement satisfies the definition of critical energy infrastructure information as that term is defined in Section 388.113(c)(1). In addition, as required by Section 388.113(d)(1)(ii) the cover page of the filing letter and the relevant page of the Interconnection Agreement that contains critical energy infrastructure information is labelled as including CEII and marked DO NOT RELEASE, and a Public and CEII version of the Interconnection Agreement are being filed with this letter. The CEII material is redacted in the Public version. Finally, as required by Section 388.113(d)(1)(i), NYSEG requests that the Commission designate the CEII material submitted on October 5, 2020, with the full five-year CEII designation provided for in Section 388.113(e)(1) as the information provided in the one-line diagrams will continue to satisfy the definition of critical energy infrastructure information for this entire period.

The diagram, in NYSEG's assessment, reveals such critical information related to the facilities depicted therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of the CEII diagram would pose a threat to the reliability of the New York State bulk power system and the health and safety of New York residents. Moreover, the information revealed in this schematic reveals CEII, which the Commission has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The diagrams have been omitted from the Public version of the Agreement included in this filing.

The Joint Filing Parties are electronically submitting a non-public version of this filing. The diagram is included only in the non-public version of the Interconnection Agreement in the filing. The non-public diagram is marked: "**FIGURE CONTAINS CEII – DO NOT RELEASE PURSUANT TO 18 C.F.R. §§ 388.112 and 388.113.**" The non-public diagram should be treated as CEII reviewable by Commission Staff. In accordance with the Commission's April 14, 2017 notice on labeling of non-public information, each page of the non-public version of the filing is marked "**CUI//CEII.**"<sup>10</sup> A placeholder has been included in place of the non-public diagram in the public version of the Agreement.

All communications relating to this request for privileged and confidential treatment should be addressed to NYSEG's Counsel listed below.

#### **IV. Communications and Correspondence**

All communications and service in this proceeding should be directed to:

**For the NYISO<sup>11</sup>**

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<sup>10</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

<sup>11</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2014) to permit service on counsel in both Washington, D.C. and Richmond, VA.

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#### **V. Documents Submitted**

The Joint Filing Parties submit the following documents with this filing letter:

- A clean Public version of the Interconnection Agreement (Attachment I);
- A blacklined Public version of the Interconnection Agreement showing the changes from the Pro Forma SGIA (Attachment II);
- A clean CEII version of the Interconnection Agreement (Attachment III); and
- The signature pages for the Interconnection Agreement (Attachment IV).

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**VI. Service**

On behalf of the Joint Filing Parties, the NYISO will send an electronic link to this filing to the official representative of each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities. In addition, a complete copy of the documents included with this filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com).

**VII. Conclusion**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing with an effective date of September 21, 2020.

Respectfully submitted,

Sara B. Keegan

Sara B. Keegan

*Counsel for the*

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Amy Davis

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*Counsel for*

*New York State Electric & Gas Corporation*

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