

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

March 10, 2021

**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 Amended and Restated Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and Baron Winds LLC; Request for Critical Energy Infrastructure Information Designation; and Request for Waiver of the 60-Day Notice Period; Docket No. ER21-\_\_\_\_-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 ("NYSEG") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Large Generator Interconnection Agreement entered into among the NYISO, NYSEG, as the Connecting Transmission Owner, and Baron Winds LLC ("Baron Winds"), as the Developer (the "Amended Agreement").<sup>3</sup> The Amended Agreement is labeled as Service Agreement No. 2487 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. The Amended Agreement conforms to the NYISO's *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") that is contained in Attachment X to the OATT. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver of the Commission's prior notice requirements<sup>4</sup> to make the Amended

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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.

<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).

Agreement effective as of February 24, 2021, 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 Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

## **I. Discussion**

The Amended Agreement supersedes the Large Generator Interconnection Agreement among the NYISO, NYSEG, and Baron Winds that was filed in the Commission's Docket No. ER20-1100-000 on February 27, 2020,<sup>5</sup> and was accepted by the Commission on April 2, 2020 (the "Original Agreement").<sup>6</sup> The Original Agreement was consistent with the Pro Forma LGIA, but included limited non-conforming modifications. The non-conforming modifications concerned minor corrections to the Pro Forma LGIA, which corrections the NYISO was simultaneously addressing in the Pro Forma LGIA through a tariff filing that was accepted by the Commission with an effective date shortly after the execution of the Original Agreement.<sup>7</sup> The Commission accepted these non-conforming modifications to the Original Agreement.

As described in the Original Agreement, Baron Wind is constructing a wind farm with a total capacity of 234.675 MW located in the towns of Cohocton, Wayland, Dansville, and Fremont in Steuben County, New York (the "Facility"). The Facility will interconnect to certain facilities of NYSEG that are part of the New York State Transmission System. Subsequent to the effective date of the Original Agreement, Baron Winds proposed to modify its Facility to split it into two phases – phase 1 would have a capacity of 126 MW and phase 2 would add an additional capacity of 109 MW. The NYISO determined the proposed change was non-material, and Baron Winds elected to move forward with the change.

Accordingly, the NYISO, NYSEG, and Baron Winds have revised Appendices A, B, and C in the Amended Agreement to reflect Baron Wind's modification to its project. The NYISO, NYSEG, and Baron Winds have also made the following additional modifications in the Amended Agreement:

- Revisions to reflect that this is an "Amended and Restated" Agreement;
- Revisions to the one-line diagram in Appendix A;
- Revisions to the Milestones in Appendix B to reflect the two phase project and to updated milestones;
- Revisions to update parties' contract information in Appendix F; and
- Revisions to the body of the Original Agreement to incorporate changes to the Pro Forma LGIA that have been accepted by the Commission after the effective date of the Original Agreement.

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<sup>5</sup> *New York Independent System Operator and New York State Electric & Gas Corp.*, Docket No. ER20-1100-000 (February 27, 2020).

<sup>6</sup> *New York Independent System Operator and New York State Electric & Gas Corp.*, Letter Order, Docket No. ER20-1100-000 (April 2, 2020).

<sup>7</sup> *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER20-638-000 (January 31, 2020). *New York Independent System Operator, Inc.*, Errata Notice, Docket No. ER20-638-000 (February 4, 2020).

The Amended Agreement conforms with the Pro Forma LGIA. As described above, the Original Agreement included certain minor non-conforming corrections to the Pro Forma LGIA, which the NYISO subsequently corrected in the Pro Forma LGIA and which were accepted by the Commission. Accordingly, the Amended Agreement is now a conforming agreement.

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

The Joint Filing Parties request an effective date of February 24, 2021, for the Amended 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>8</sup>

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

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>9</sup> NYSEG requests that the one-line diagram included as Figures A-1 in Appendix A of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>10</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>8</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>9</sup> 18 C.F.R. §§ 388.112 and 388.113 (2019).

<sup>10</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 Figures A-1 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 Amended 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 Amended 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 March 10, 2021, 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 Amended 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 Amended 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>11</sup> A placeholder has been included in place of the non-public diagram in the public version of the Amended 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>12</sup>**

Robert E. Fernandez, Executive Vice President &  
General Counsel  
Karen Georgenson Gach, Deputy General Counsel  
\*Sara B. Keegan, Senior Attorney  
New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144  
Tel: (518) 356-6000  
Fax: (518) 356-4702  
skeegan@nyiso.com

\*Ted J. Murphy  
Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW  
Washington, D.C. 20037  
Tel: (202) 955-1500  
Fax: (202) 778-2201  
tmurphy@hunton.com

\*Michael J. Messonnier Jr.  
Hunton Andrews Kurth LLP  
951 East Byrd Street  
Richmond, VA 23219

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<sup>11</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

<sup>12</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2019) to permit service on counsel in both Washington, D.C. and Richmond, VA.

Tel: (804) 788-8200

Fax: (804) 344-7999

mmessonnier@hunton.com

**For New York State Electric & Gas Corporation**

\*Timothy Lynch  
Director—Electric Transmission Services  
New York State Electric & Gas Corporation  
18 Link Drive  
Binghamton, NY 13904  
Tel: 585.484.6352  
TJLynch@nyseg.com

Amy A. Davis  
Senior Regulatory Counsel  
Avangrid Networks, Inc.  
89 East Avenue, 9<sup>th</sup> Floor  
Rochester, NY 14649  
Tel: 585.771.4234  
amy.davis@avangrid.com

\*Designated to receive service.

**V. Documents Submitted**

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

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

**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).

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## VII. Conclusion

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of February 24, 2021.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

/s/ Amy A. Davis

Amy A. Davis

*Counsel for New York State Electric & Gas  
Corporation*

cc: Matt Christiansen  
Jignasa Gadani  
Jette Gebhart  
Leanne Khammal  
Kurt Longo  
John C. Miller  
David Morenoff  
Larry Parkinson  
Douglas Roe  
Frank Swigonski  
Eric Vandenberg  
Gary Will