

August 5, 2021

By Electronic DeliveryHonorable 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 for the Hilltop Solar Project Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and SunEast Hilltop Solar LLC; Request for Waiver of the 60-Day Notice Period; Docket No. ER21-____-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act¹ and Section 35.13 of the Commission's regulations,² the New York Independent System Operator, Inc. ("NYISO") and Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") (together, the "Joint Filing Parties") hereby tender for filing an executed Small Generator Interconnection Agreement for the Hilltop Solar project (NYISO Queue No. 807) entered into by the NYISO, National Grid, as the Connecting Transmission Owner, and SunEast Hilltop Solar LLC ("Hilltop"), as the Interconnection Customer (the "Interconnection Agreement").³ The Interconnection Agreement is labeled as Service Agreement No. 2638 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 exceptions 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 of the Commission's prior notice requirements⁴ to make the Interconnection Agreement effective as of July 28, 2021, which is the date of its full execution.

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2019).

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

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

I. Discussion

A. Background

Hilltop is constructing a 20 MW solar powered facility to be located in Troy, New York (the “Facility”). Additional details regarding the Facility can be found in Attachment 2 of the Interconnection Agreement.

The Facility will interconnect to certain facilities of National Grid that are part of the New York State Transmission System. The Point of Interconnection is National Grid’s existing 115kV Eastover Schaghticoke Line 10 between existing structures 348 and 349. 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 July 28, 2021, by the NYISO, National Grid, and Hilltop. 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.⁵ Therefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement with the non-conforming changes.

1. Modifications to Address Execution of Interconnection Agreement Prior to an Expedited Deliverability Study

Hilltop has elected to seek Capacity Resource Interconnection Service (“CRIS”) by participating in an Expedited Deliverability Study, which is currently underway. The Expedited Deliverability Study will determine whether the Facility is fully deliverable at its requested level of CRIS and may obtain such CRIS.

Since the Expedited Deliverability Study was not completed at the time the parties executed the Interconnection Agreement, the parties modified Section 1.3.1 of the Interconnection Agreement to provide that the NYISO’s provision of CRIS is subject to the requirements in Attachment 5 of the Interconnection Agreement. Attachment 5 provides that Hilltop may not supply Unforced Capacity to the New York Control Area from the Facility until it has complied with the deliverability requirements of the Expedited Deliverability Study or, alternatively, obtained CRIS by satisfying the Class Year Study requirements for CRIS set forth in Attachment S of the OATT. The Commission has previously accepted these types of changes

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

where a developer was participating in a pending study concerning its requested CRIS at the time the Interconnection Agreement was executed.⁶

2. Hilltop'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. National Grid and Hilltop have agreed that Hilltop 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, Hilltop, can construct the Connecting Transmission Owner's Interconnection Facilities with the agreement of the Interconnection Customer and Connecting Transmission Owner. The Commission has previously accepted this change to the Pro Forma SGIA.⁷

3. Modifications Related to Billing and Security Arrangements

Article 6.1.1 of the Pro Forma SGIA provides that a Connecting Transmission Owner shall bill the applicable Interconnection Customer on a monthly basis, or as otherwise agreed by those Parties, for its design, engineering, construction, and procurement costs. As permitted by Article 6.1.1, National Grid and SunEast have agreed to an alternative billing arrangement for SunEast to make advance payments to National Grid for the cost of Connecting Transmission Owner's Interconnection Facilities and upgrades, which advance payments will be in lieu of SunEast providing Security to National Grid. Accordingly, the parties have agreed to modify Article 6.1.1 of the Interconnection Agreement to reference the details of the alternative billing arrangement, which are set forth in Section 2 of Attachment 4 of the Interconnection Agreement. The Commission has previously accepted changes to the Pro Forma SGIA to reflect alternative billing and invoice arrangements agreed to by the parties.⁸

⁶ See, e.g., *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER17-2334-000 (October 12, 2017) (accepting revisions to CRIS requirements to reflect the timing of the execution of the interconnection agreement); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2199-000 (December 28, 2010) (same).

⁷ See *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER20-1603-000 (June 18, 2020) (accepting interconnecting agreement modified to permit the Interconnection Customer to agree 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).

⁸ See *New York Independent System Operator, Inc. and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER21-1088-000 (April 7, 2021) (accepting modifications to the pro forma Small Generator Interconnection Agreement to address alternative billing and invoicing procedures); see also *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER19-589-000 (Feb. 1, 2019) (same).

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

The Joint Filing Parties request an effective date of July 28, 2021, 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.⁹

III. Communications and Correspondence

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

For the NYISO¹⁰

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@huntonak.com

*Michael J. Messonnier Jr.
Sevren R. Gourley
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
Tel: (804) 788-8200
Fax: (804) 344-7999
mmessonnier@huntonak.com
sgourley@huntonak.com

⁹ 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).

¹⁰ 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.

Honorable Kimberly D. Bose

August 5, 2021

Page 5

For Niagara Mohawk Power Corporation d/b/a National Grid

*Christopher J. Novak
Senior Counsel
National Grid
40 Sylvan Road
Waltham, MA 02451
Tel: 781-907-2112
Fax: 781-296-8091
Chris.Novak@nationalgrid.com

*Designated to receive service.

IV. Documents Submitted

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

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

V. 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.

Honorable Kimberly D. Bose

August 5, 2021

Page 6

VI. Conclusion

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing with an effective date of July 28, 2021.

Respectfully submitted,

Sara B. Keegan
*Counsel for the
New York Independent System Operator, Inc.*

/s/ Christopher J. Novak
Christopher J. Novak
*Counsel for
Niagara Mohawk Power Corporation d/b/a
National Grid*

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