

July 29, 2011

VIA E-TARIFF FILING

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

**RE: Niagara Mohawk Power Corporation
Docket No. ER11-_____
Small Generator Interconnection Agreement between Niagara Mohawk
Power Corporation and WM Renewable Energy, LLC**

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (“FPA”),¹ Part 35 of the Commission’s regulations,² and Order No. 714,³ Niagara Mohawk Power Corporation (“Niagara Mohawk”), d/b/a National Grid submits for Commission acceptance a Small Generator Interconnection Agreement (“SGIA” or “Agreement”) between Niagara Mohawk and WM Renewable Energy, LLC (“WM Renewable”)(collectively, the “Parties”). The SGIA is designated under the New York Independent System Operator, Inc. (“NYISO”) open access transmission tariff (“OATT”), FERC Electric Tariff, Original Volume No. 1 as Service Agreement No. 1164.

Niagara Mohawk requests waiver of the Commission’s prior notice requirement to allow the SGIA to become effective as of the date of execution, *i.e.* June 23, 2011.

I. Background

WM Renewable owns a landfill gas recovery facility (the “Plant”) installed at the Monroe Livingston landfill, located in the town of Scottsville, Monroe County, New York. On June 16, 1986, Waste Management of North America, then the owner of the landfill, filed a notice in Docket No. QF86-830-000 to self-certify the Plant as a qualifying facility (“QF”). Notices of self-certification of QF status were filed in this same docket on December 30, 2004 by Waste Management Renewable Energy, LLC and on July 8, 2005 by WM Renewable.

The Parties entered into an interconnection agreement as of August 5, 1999 that was submitted in Docket No. ER08-291-000 and accepted via Commission letter order on January 8,

¹ 16 U.S.C. § 824d.

² 18 C.F.R. Part 35.

³ Electronic Tariff Filings, FERC Stats. & Regs. ¶ 31,276 (2008).

2008 (“1999 Agreement”). Pursuant to Section 10.1, the 1999 Agreement was due to expire on August 5, 2008. For this reason, the Parties have executed the SGIA, thereby extending the provision of interconnection service by Niagara Mohawk to the Plant.

The SGIA is generally in conformance with the *pro forma* Small Generator Interconnection Agreement under the NYISO OATT with only minor modifications. Those modifications include the elimination the NYISO as a party to the agreement and revisions to reflect the fact that the Generating Facility is an existing facility.

Pursuant to the Commission’s order in *New England Power Company*, 109 FERC ¶ 61,364 (2004), the Commission’s standard interconnection rules promulgated in Order No. 2003, and the procedures and agreements related thereto, including the NYISO Small Generating Facility Interconnection Procedures, do not apply in this case. In that case, the Commission held that, where there are no proposed increases in capacity or material modifications of the characteristics of an existing generating facility, Order No. 2003 did not apply to generator interconnection agreements because they were not “new interconnection requests.” *Id.* at P 13; *see also Jersey Central Power & Light Company*, 110 FERC ¶ 61,273 at P 11 (2005)(“because the revision to the existing interconnection agreement does not ‘increase the capacity of a generating unit in the PJM Region,’ PJM’s interconnection procedures in its OATT...do not apply”).

The WM Renewable Plant is an existing facility, and there are no proposed increases in capacity or material modifications to the characteristics of the facility. Thus, as the Commission held in *New England Power Company*, the Commission should also find here that the Commission's standard interconnection rules promulgated in Order No. 2003, and the procedures and agreements related thereto, including the ISO New England Small Generator Interconnection Procedures, do not apply in this case. Because this interconnection was not processed under the NYISO Small Generator Interconnection Procedures, the NYISO is not a party to the SGIA.

II. Communications and Service

Communications and correspondence with respect to this matter should be addressed to the following individuals, and the following should be included on the official service list for this proceeding:⁴

Daniel Galaburda
Assistant General Counsel
National Grid USA Service Company, Inc.
40 Sylvan Road
Waltham, MA 02451
Tel: 781-907-1847
daniel.galaburda@us.ngrid.com

Sean Atkins
Stacey Tyrewala
Alston & Bird LLP
The Atlantic Building
950 F Street, NW
Washington, DC 20004
Tel: 202-239-3300
Fax: 202-239-3333
Sean.Atkins@alston.com
Stacey.Tyrewala@alston.com

III. Effective Date and Request for Waiver

Niagara Mohawk respectfully requests waiver of the 60-day notice requirement contained in Section 35.3 of the Commission's regulations to allow the Reimbursement Agreement to become effective upon the execution date of the SGIA, *i.e.*, June 23, 2011.

Good cause exists for the Commission to grant this waiver as no prejudice will result to any party. Granting the requested waiver will benefit a generator interconnected to the transmission system and is therefore consistent with the standard set forth by the Commission in *Central Hudson*.⁵ The Commission has previously permitted interconnection agreements to become effective on the date of execution, even when that date pre-dates the date that an interconnection agreement is filed.⁶ For these reasons, the Commission should find that good cause exists to grant an effective date of June 23, 2011.

IV. Documents Submitted

Niagara Mohawk is submitting the following documents:

- This transmittal letter;
- Small Generator Interconnection Agreement between Niagara Mohawk Power Corporation and WM Renewable Energy, LLC executed on June 23, 2011

⁴ Niagara Mohawk requests waiver of 18 C.F.R. § 385.203(b) to allow three persons to be added to the service list in this proceeding.

⁵ See *Central Hudson Gas & Electric Corp.*, 60 FERC ¶ 61,106 at 61,338, *reh'g denied*, 61 FERC ¶ 61,089 (1992).

⁶ See *e.g.*, *New York Independent System Operator, Inc.*, 135 FERC ¶ 61,264 (2011).

Honorable Kimberly D. Bose

July 29, 2011

Page 4

V. Conclusion

For the reasons stated herein, Niagara Mohawk respectfully requests that the Commission accept the SGIA, effective June 23, 2011.

Copies of this filing have been served on WM Renewable, New York state regulators, and the NYISO.

Respectfully submitted,

/s/ Daniel Galaburda

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

*Attorney for Niagara Mohawk Power Corporation,
d/b/a National Grid*