

# BRACEWELL

January 28, 2022

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

Re: *New York State Electric & Gas Corporation*  
Engineering and Procurement Agreement with Trelina Solar Energy  
Center, LLC  
Docket No. ER22-\_\_\_\_-000

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (“FPA”)<sup>1</sup> and Part 35 of the Federal Energy Regulatory Commission’s (“Commission’s” or “FERC’s”) regulations,<sup>2</sup> New York State Electric & Gas Corporation (“NYSEG”) hereby submits for filing an executed Engineering and Procurement Agreement (“E&P Agreement”) by and between NYSEG and Trelina Solar Energy Center, LLC (“Trelina”). The E&P Agreement is designated as Service Agreement No. 2684 under the New York Independent System Operator, Inc.’s (“NYISO”) Open Access Transmission Tariff (“OATT”).

For the reasons set forth below, NYSEG respectfully requests that the Commission accept the E&P Agreement for filing effective October 8, 2021.

## **I. BACKGROUND AND DESCRIPTION OF THE E&P AGREEMENT**

NYSEG is a public utility subject to the Commission’s jurisdiction that, among other things, owns transmission facilities under the operational control of the NYISO. Trelina is a Delaware limited liability company engaged in the business of developing an 80 MW photovoltaic solar energy generating facility located on private land in the Town of Waterloo in Seneca County, New York (“Generation Facility”).

Trelina is planning to construct the Generation Facility and has requested generator interconnection service from NYSEG for the Generation Facility. In order to advance

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<sup>1</sup> 16 U.S.C. §§ 824d.

<sup>2</sup> 18 C.F.R. Part 35.

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implementation of the interconnection prior to the execution of an interconnection agreement, Trelina has requested that NYSEG coordinate with Trelina to begin certain engineering and procurement activities.

Trelina has elected the option to build under the NYISO OATT and will be responsible for building the Trelina Point of Interconnection (“POI”) substation (the “Trelina Solar Energy Substation”). Attachment A to the E&P Agreement identifies Trelina’s attachment facilities, which include a solar energy collector station, generator tie line, and the substation (collectively, the developer’s attachment facilities or “DAFs”). Trelina has retained its own engineers to perform the engineering, procurement and construction of the DAFs, with oversight of the engineering, design, and project management to be completed by NYSEG’s engineers. Attachment A also identifies NYSEG upgrades and upgrades on the Rochester Gas and Electric Corporation system as an affected system identified by the Interconnection Facilities Study.

Pursuant to the E&P Agreement, Trelina will pay all of NYSEG’s costs in performing its scope of work set forth in Attachment A to the E&P Agreement, which includes review and oversight of Trelina’s activities with the upgrades for which it is responsible.

## **II. EFFECTIVE DATE AND REQUEST FOR WAIVER**

Consistent with the terms of the E&P Agreement, NYSEG respectfully requests that the Commission accept the E&P Agreement effective as of October 8, 2021. The Commission has previously held that pre-interconnection service agreements may be filed within 30 days of service commencing rather than in advance of service commencement.<sup>3</sup> The E&P Agreement is being submitted more than 30 days after service commencement and, to the extent necessary, NYSEG requests waiver of Commission requirements in order to permit acceptance of the E&P Agreement, effective as requested. The NYISO OATT contemplates that agreements such as the E&P Agreement may be part of generator interconnection service provided pursuant to the OATT, and thus the E&P Agreement is an agreement under an umbrella tariff rather than a stand-alone bilateral service agreement. While the E&P Agreement is being filed more than 30 days after service commencing, it is consistent with NYSEG’s provision of generator interconnection service pursuant to the NYISO OATT and granting the requested effective date will have no adverse effect on Trelina, who has executed the E&P Agreement. An October 8, 2021 effective date will ensure that the effective date of the E&P Agreement aligns with that agreed upon by the parties. In addition, granting the requested effective date will have no adverse effect on NYSEG or its other customers. NYSEG has focused on internal procedures related to E&P Agreements to ensure that such agreements are submitted within 30 days of service commencement and that this type of oversight does not occur again.

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<sup>3</sup> See, e.g., *International Transmission Co. and Michigan Electric Transmission Co., LLC*, 139 FERC ¶ 61,022, at P 14 & n.18. (2012)

**III. LIST OF DOCUMENTS SUBMITTED WITH THIS FILING<sup>4</sup>**

NYSEG is submitting the following documents with this filing:

1. This transmittal letter; and
2. The executed E&P Agreement.

**IV. COMMUNICATIONS**

Please direct all communications and correspondence in this proceeding to the individuals indicated below:

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**V. PERSONS ON WHOM THIS FILING IS BEING SERVED**

A copy of this filing will be served on Trelina and the NYISO.

**VI. CONCLUSION**

For the foregoing reasons, NYSEG respectfully requests that the Commission accept the E&P Agreement for filing, as submitted, without modification or condition, effective October 8, 2021.

Respectfully submitted,

/s/ Catherine P. McCarthy

Catherine P. McCarthy  
Boris B. Shkuta

*Counsel for New York State Electric & Gas Corporation*

Enclosure

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<sup>4</sup> 18 C.F.R. § 35.13(b)(1).