

**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 FIGURE FOR WHICH CEII DESIGNATION IS REQUESTED IN PART II BELOW, AND IS SUBMITTED SEPARATELY.**

April 14, 2022

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 Transmission Project Interconnection Agreement for the New York Energy Solution Project Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and New York Transco, LLC; Request for Critical Energy Infrastructure Information Designation; and Request for Waiver of 60-Day Notice Period; Docket No. ER22-\_\_\_\_\_-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 Amended and Restated Transmission Project Interconnection Agreement for the New York Energy Solution Project (NYISO Queue No. 543) entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and New York Transco, LLC ("Transco"), as the Transmission Developer (the "Amended Agreement").<sup>3</sup> The Amended Agreement is labeled as Service Agreement No. 2604 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. Pursuant to Section 22.11.1 of Attachment P of the OATT, the Amended Agreement is based on and consistent with the *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") contained in Attachment X to the OATT, as modified for a Transmission Project. The Amended Agreement continues to conform to the Pro Forma LGIA with the modifications previously accepted by the Commission for the prior version of this

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. § 35.13 (2021).

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

agreement. Further, as described in Part II of this letter, NYSEG requests that Figure A-1 in Appendix A of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information. Finally, as described in Part III 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 Agreement effective as of April 6, 2022, which is the date on which it was fully executed.

## **I. DISCUSSION**

The Amended Agreement supersedes the Transmission Project Interconnection Agreement among the NYISO, NYSEG, and Transco (the "Original Agreement") that was filed in Docket No. ER21-1413-000 on March 15, 2021,<sup>5</sup> and was accepted by the Commission on May 13, 2021.<sup>6</sup> Pursuant to the NYISO's Transmission Interconnection Procedures in Attachment P of the OATT, the Original Agreement was consistent with the Pro Forma LGIA, but included certain modifications to address the fact that the facility is a Transmission Project and the particular circumstances of the interconnection. The Commission accepted these modifications.

The Transmission Project addressed in the Original Agreement and Amended Agreement is the New York Energy Solution project proposed by Transco and Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid").<sup>7</sup> The NYISO selected the New York Energy Solution project in its Public Policy Transmission Planning Process as the more efficient or cost effective transmission solution to address the Segment B component of the AC Transmission Public Policy Transmission Needs.<sup>8</sup> Additional details concerning the Transmission Project are included in Appendix C of the Amended Agreement. The Transmission Project will interconnect to the New York State Transmission System at a number of existing transmission facilities,

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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> *New York Independent System Operator, Inc. and New York State Electric & Gas Corp.*, Docket No. ER21-1413-000 (March 15, 2021).

<sup>6</sup> *New York Independent System Operator, Inc. and New York State Electric & Gas Corp.*, Letter Order, Docket No. ER21-1413-000 (May 13, 2021).

<sup>7</sup> National Grid subsequently assigned its rights, duties, and obligations under the Development Agreement to Transmission Developer on March 10, 2020, giving Transmission Development sole rights to the development of the Transmission Project

<sup>8</sup> As part of the NYISO's Public Policy Transmission Planning Process, the New York Public Service Commission identified as transmission needs driven by Public Policy Requirements the needs to increase Central East transfer capability in New York by at least 350 MW ("Segment A") and UPNY/SENY transfer capability in New York by at least 900 MW ("Segment B") to provide additional capability to move power from upstate to downstate New York. The Public Policy Transmission Needs are collectively referred to as the AC Transmission Public Policy Transmission Needs.

including certain transmission facilities owned and operated by NYSEG.<sup>9</sup> The Amended Agreement concerns the interconnection of the Transmission Project with the NYSEG facilities.

In Appendix A of the Original Agreement, the parties noted that Transco had recently requested that the NYISO make a non-material determination concerning certain transmission feeders that could impact the scope of work of the Network Upgrade Facilities required at NYSEG's facilities. The Original Agreement provided for the parties to evaluate and update the scope of the upgrades based on the NYISO's determination that Transco's proposed changes were not material and to amend the Original Agreement to reflect the modifications.

Accordingly, the NYISO, NYSEG, and Transco have agreed to amend the Original Agreement to update the scope of work in Appendix A for the Network Upgrade Facilities required on NYSEG's system in connection with the Transmission Project, with related updates to cost estimates. In addition, the parties made the following additional modifications to the Original Agreement:

- Revisions to reflect that this is the "Amended and Restated" Agreement;
- Correction to use the appropriate defined term in Article 9.4.2.2;
- Updates to the summaries of the Transmission Project in Appendix C, the one-line diagram in Appendix A, and the work on other Transmission Owner systems in Appendix A;
- Updates to the milestone table in Appendix B; and
- Revisions to the descriptions of the Point of Interconnection/Point of Change of Ownership in Appendix C and related updates to the figures in Appendix C.

The Amended Agreement was fully executed on April 6, 2022, by the NYISO, NYSEG, and Transco. The Amended Agreement does not include variations from the Pro Forma LGIA other than those already accepted by the Commission for the Original Agreement. Therefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement.

## **II. REQUEST FOR CEII TREATMENT**

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>10</sup> NYSEG requests that that Figure A-1 included in Appendix A of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>11</sup> The figure contains

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<sup>9</sup> The NYISO and Transco have entered into, or are in the process of entering into, additional Transmission Project Interconnection Agreements with the other New York Transmission Owners that are impacted by the interconnection of the Transmission Project, including National Grid, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., and Orange and Rockland Utilities, Inc.

<sup>10</sup> 18 C.F.R. §§ 388.112 and 388.113 (2021).

<sup>11</sup> As required by Section 388.113(d)(1)(i) of the Commission's regulations, NYSEG has described in the filing letter how Figure A-1 in Appendix A 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

details concerning the interconnection of the Transmission Project with substations in New York, which, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. The figure provides more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, the figure shows the exact nature and specific location of facilities used to maintain the reliability of the New York State bulk power system.

The figure, 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 figure has 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 figure is included only in the non-public version of the Amended Agreement in the filing. The non-public figure is marked: "**FIGURE CONTAINS CEII – DO NOT RELEASE PURSUANT TO 18 C.F.R. §§ 388.112 and 388.113.**" The non-public figure 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>12</sup> A placeholder has been included in place of the non-public figure 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.

### **III. PROPOSED EFFECTIVE DATE AND REQUEST FOR WAIVER OF THE 60-DAY NOTICE PERIOD**

The Joint Filing Parties request an effective date of April 6, 2022, 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>13</sup>

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required by Section 388.113(d)(1)(i), NYSEG requests that the Commission designate the CEII material submitted on April 14, 2022, with the full five-year CEII designation provided for in Section 388.113(e)(1) as the information provided in the figure will continue to satisfy the definition of critical energy infrastructure information for this entire period.

<sup>12</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

<sup>13</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*

#### **IV. COMMUNICATIONS AND CORRESPONDENCE**

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

##### **For the NYISO<sup>14</sup>**

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*System Operator, Inc. and New York Power Authority*, Letter Order, Docket No. ER08-699-000 (May 16, 2008) (same).

<sup>14</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2021) to permit service on counsel in both Washington, D.C. and Richmond, VA.

**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**

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

**VII. CONCLUSION**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of April 6, 2022.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

/s/ Danielle K. Mechling

Danielle K. Mechling

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