

August 3, 2022

**By Electronic Delivery**

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

Re: Notice of Cancellation of Service Agreement No. 2549 to the New York Independent System Operator, Inc.'s Open Access Transmission Tariff, Docket No. ER22-\_\_\_\_\_

Dear Ms. Bose:

Pursuant to Section 205(d) of the Federal Power Act<sup>1</sup> and Sections 35.9 and 35.15 of the Commission's regulations,<sup>2</sup> the New York Independent System Operator, Inc. ("NYISO") hereby tenders for filing and acceptance a Notice of Cancellation of the Amended and Restated Small Generator Interconnection Agreement for the North Country Solar project (NYISO Queue No. 589) ("Interconnection Agreement") among the NYISO, Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") as the Connecting Transmission Owner, and Duke Energy Renewables Solar, LLC ("Duke") as the Interconnection Customer.<sup>3</sup> The Interconnection Agreement is designated as Service Agreement No. 2549 under the NYISO's Open Access Transmission Tariff ("OATT"). National Grid and Duke have indicated to the NYISO that neither party opposes this filing.

**I. Background**

The Interconnection Agreement for which the NYISO submits this Notice of Cancellation was initially filed in Docket No. ER20-2749 on August 26, 2020, as Service Agreement No. 2549 and accepted by the Commission.<sup>4</sup> The Interconnection Agreement provided for Duke to construct a 15 MW solar powered Small Generating Facility that would interconnect to the 46kV bus at National Grid's Boonville Station. The Interconnection

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. §§ 35.9, 35.15 (2021).

<sup>3</sup> Capitalized terms not otherwise defined in this letter have the meaning set forth in Attachment Z of the NYISO's Open Access Transmission Tariff ("OATT").

<sup>4</sup> *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER20-2749-000 (October 7, 2020).

Agreement was subsequently amended and restated by the parties, which later version was filed in Docket No. ER22-2288 and was accepted by the Commission on August 23, 2021.<sup>5</sup>

## **II. Notice of Cancellation**

Article 3.3.1 of the Interconnection Agreement establishes that the Interconnection Customer may terminate the Interconnection Agreement by giving the NYISO and Connecting Transmission Owner 20 Business Days written notice.<sup>6</sup> Article 3.3 of the Interconnection Agreement further provides that the termination will not be effective until the parties have filed any required notice of termination at the Commission, which notice has been accepted for filing by the Commission.

Pursuant to Article 3.3.1, Duke provided a letter to the NYISO and National Grid dated March 14, 2022 requesting termination of the Interconnection Agreement.<sup>7</sup> In addition, pursuant to the waiver rules in Article 12.4.2 of the Interconnection Agreement, Duke requested that the NYISO and National Grid agree to waive the 20 Business Days advanced notice period for termination, which the NYISO and National Grid agreed to do.<sup>8</sup> The NYISO confirmed with National Grid and Duke that there were not any remaining obligations under the Interconnection Agreement, and National Grid confirmed on June 30, 2022, that it had issued the final invoice to Duke under the agreement.

Accordingly, pursuant to Duke's letter of March 14, 2022 and Articles 3.3 and 3.3.1 of the Interconnection Agreement, the NYISO hereby submits this Notice of Cancellation of Service Agreement No. 2549 of the NYISO OATT.

## **III. Requested Effective Date**

The NYISO requests that the Commission waive the sixty-day (60) notice requirement specified in section 35.15 of the Commission's regulations to permit this Notice of Cancellation to be effective as of March 14, 2022.<sup>9</sup> Good cause exists for granting this effective date. No developers will be harmed by the termination of this Interconnection Agreement. In addition, National Grid has issued Duke the final invoice under the Interconnection Agreement for payment by Duke,<sup>10</sup> and there are no other remaining obligations under the agreement. The

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<sup>5</sup> *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER22-2288-000 (August 23, 2021).

<sup>6</sup> Article 3.3.1 of the Interconnection Agreement provides: "The Interconnection Customer may terminate this Agreement at any time by giving the NYISO and Connecting Transmission Owner 20 Business Days written notice."

<sup>7</sup> A copy of this letter is included as Attachment I to this filing.

<sup>8</sup> Article 12.4.2 of the Interconnection Agreement provides: "Any waiver of this Agreement shall, if requested, be provided in writing."

<sup>9</sup> 18 C.F.R. §35.15 (2021).

<sup>10</sup> Pursuant to Article 3.3.4 of the Interconnection Agreement, the "termination of this Agreement shall not relieve any Party of its liabilities and obligations, owed or continuing at the time of the termination."

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Commission has granted waivers of its prior notice requirements for cancelled interconnection agreements.<sup>11</sup>

**IV. Documents Submitted**

The NYISO submits the following document with this filing letter:

- Duke's March 14, 2022 letter advising NYISO and National Grid of its intent to terminate the Interconnection Agreement (Attachment I).

**V. Communications and Correspondence**

Communications regarding this filing should be directed to the following persons, whose names should be entered on the official service list maintained by the Secretary for the docket established with respect to this filing:

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<sup>11</sup> See, e.g., *PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER22-104-000 (Dec. 10, 2021) (waiving the 60 day notice requirement and accepting notice of cancellation of interconnection services agreement with requested effective date); *PJM Interconnection, L.L.C.*, Letter Order, Docket No. ER21-545-000 (Jan. 21, 2021) (same).

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**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 NYISO respectfully requests that the Commission accept this Notice of Cancellation and grant an effective date of March 14, 2022.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

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