

December 15, 2023

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 Second Amended and Restated Large Generator Interconnection Agreement for the Sithe Independence Combined Cycle Facility (Queue Position No. 758) Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and Sithe/Independence Power Partners L.P.; Request for Waiver of the 60-Day Notice Period; Docket No. ER24-____-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 tenders for filing an executed Second Amended and Restated Large Generator Interconnection Agreement for the Sithe Independence Combined Cycle Facility (NYISO Queue Position No. 758) entered into by the NYISO, National Grid, as the Connecting Transmission Owner, and Sithe/Independence Power Partners L.P. ("Sithe"), as the Developer (the "Second Amended Agreement").³ The Second Amended Agreement is labeled as Service Agreement No. 1160 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Second Amended Agreement for filing. With the limited exceptions described in Part I of this letter, the Second Amended Agreement conforms to the NYISO's *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") that is contained in Attachment X 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 Second Amended Agreement effective as of December 1, 2023, which is the date of its full execution.

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2022).

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

Sithe owns and operates a 1,254 MW solar electricity generation facility located in the town of Scriba, New York (the “Facility”). The Facility is interconnected to certain facilities of National Grid that are part of the New York State Transmission System. Additional details regarding the Facility can be found in Appendix C of the Second Amended Agreement.

The Second Amended Agreement supersedes the Amended and Restated Large Generator Interconnection Agreement between National Grid and Sithe that was filed by National Grid in the Commission’s Docket No. ER15-2127-000 on July 8, 2015,⁵ and was accepted by the Commission on August 21, 2015 (the “Amended Agreement”).⁶ The Amended Agreement was a two-party agreement between National Grid and Sithe that was based on and was consistent with the version of the NYISO’s Pro Forma LGIA in effect at the time the Amended Agreement was executed, but included certain non-conforming modifications to reflect that it was a two-party agreement, which changes were accepted by the Commission. The Amended Agreement, in turn, superseded a two-party interconnection agreement between National Grid and Sithe that pre-dated the NYISO’s Pro Forma LGIA and was initially entered into in 1992 and subsequently amended in 2001 and 2010.⁷

B. Change to a Three-Party Interconnection Agreement

Subsequent to the effective date of the Amended Agreement, Sithe proposed changes to materially increase the capacity of the Large Generating Facility and submitted an Interconnection Request to the NYISO. As Sithe submitted a new Interconnection Request to the NYISO to increase the capacity for its existing Facility, the parties amended the Amended Agreement, consistent with the Commission’s precedent, to convert it into a three-party interconnection agreement for which the NYISO is also a party.⁸ In particular, the NYISO, National Grid, and Sithe entered into the Second Amended Agreement to reflect the increased capacity of the Facility and to replace the two-party Amended Agreement with a three-party agreement based on the Pro Forma LGIA. In addition, the NYISO, National Grid and Sithe have

⁵ *Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER15-2127-000 (July 8, 2015).

⁶ *Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER15-2127-000 (August 21, 2015).

⁷ See *Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER11-1888-000 (October 25, 2010).

⁸ See, e.g., *Niagara Mohawk Power Corp. d/b/a National Grid*, 121 FERC ¶ 61,104, at P 22 (2007) (“[A]ny interconnections involving the interconnection of a new generating facility or involving increases in capacity or material modifications to the operating characteristics of existing generating facilities interconnected to Niagara Mohawk’s or any other NYISO member’s transmission system will require the NYISO to be a signatory to that IA.”).

revised the Amended Agreement to reflect that this is a “Second Amended and Restated” agreement.

C. The Interconnection Agreement Closely Conforms to the Pro Forma LGIA Contained in Attachment X of the NYISO OATT

The Second Amended Agreement was fully executed on December 1, 2023, by the NYISO, National Grid, and Sithe. The Second Amended Agreement largely conforms to the language in the Pro Forma LGIA contained in Attachment X of the NYISO OATT, except changes to reflect that the Second Amended Agreement is a “Second Amended and Restated” agreement and with the further exception described below in Part I.B.1. The Joint Filing Parties submit that the change specified below satisfy the Commission’s standard for variations from the Pro Forma LGIA, because unique circumstances exist that require a non-conforming agreement.⁹ Therefore, the Joint Filing Parties respectfully request that the Commission accept the Second Amended Agreement with the non-conforming change.

1. Modification to Address Phasor Measurement Unit Requirements

Article 9.10 of the Pro Forma LGIA requires Developers to install, at their expense, a measurement unit (“PMU”) on the low side of the step-up transformer, along with related PMU equipment, and to collect and transmit PMU data to the NYISO and to the Connecting Transmission Owner. The PMU requirements in the Pro Forma LGIA require a Developer to install a PMU on the low side of the transformer and then transmit the PMU data via the Connecting Transmission Owner’s system if the Developer completed a Class Year after Class Year 2017 and proposes a new Large Facility that either (a) has a maximum net output equal to or greater than 100 MW or (b) requires, as Attachment Facilities or System Upgrade Facilities, a new substation of 230 kV or above.¹⁰

Article 9.10 was not a part of the NYISO’s Pro Forma LGIA at the time the prior Amended Agreement was executed. The NYISO introduced the PMU requirements in the Pro Forma LGIA in tariff revisions filed with the Commission on October 16, 2017,¹¹ which were accepted by the Commission on December 7, 2021.¹² In updating the Amended Agreement to bring the agreement up to date to the NYISO’s current Pro Forma LGIA, the parties agreed not to incorporate the new Article 9.10 PMU rules to eliminate any uncertainty concerning whether these rules would apply to Sithe’s Facility. As Sithe’s Facility is not a new Large Facility (but only modifying the capacity of an existing facility), the PMU rules will not apply in this instance,

⁹ See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh’g denied*, 112 FERC ¶ 61,282 (2005).

¹⁰ Pro Forma LGIA, Art. 9.10.

¹¹ *New York Independent System Operator, Inc.*, Docket No. ER18-80-000 (October 16, 2017).

¹² See *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER18-80-000 (Dec. 7, 2017) (accepting NYISO’s tariff revisions to improve its interconnection process, including the insertion of PMU requirements in Article 9.10 of the Pro Forma LGIA).

which the parties agreed to make clear in these unique circumstances by reserving Article 9.10. Proposed Effective Date and Request for Waiver of the 60-Day Notice Period

The Joint Filing Parties request an effective date of December 1, 2023, for the Second 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.¹³

II. Communications and Correspondence

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

For the NYISO¹⁴

Robert E. Fernandez, Executive Vice
President, General Counsel & Chief
Compliance Officer
Karen Georgenson Gach, Deputy General
Counsel
*Sara B. Keegan, Assistant General Counsel
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@hunton.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

¹³ 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).

¹⁴ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2022) to permit service on counsel in both Washington, D.C. and Richmond, VA.

Honorable Kimberly D. Bose

December 15, 2023

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.

III. Documents Submitted

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

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

IV. Service

A complete copy of this filing will be posted on the NYISO's website at 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 Second Amended Agreement for filing with an effective date of December 1, 2023

Respectfully submitted,

/s/ Sara B. Keegan

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
Emily Chen
Matthew Christiansen
Robert Fares
Jignasa Gadani
Jette Gebhart
Leanne Khammal
Jaime Knepper
Kurt Longo
David Morenoff
Douglas Roe
Eric Vandenberg