

October 29, 2024

By Electronic Delivery

Honorable Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Notice of Cancellation of Service Agreement No. 2635 to the New York Independent System Operator, Inc.'s Open Access Transmission Tariff, Docket No. ER25-_____

Dear Ms. Reese:

Pursuant to Section 205(d) of the Federal Power Act¹ and Sections 35.9 and 35.15 of the Commission's regulations,² the New York Independent System Operator, Inc. ("NYISO") hereby tenders for filing and acceptance a Notice of Cancellation of the Engineering, Procurement, and Construction Agreement ("EPC Agreement") for Affected System work in connection with the Empire State Line Proposal 1 transmission project ("Transmission Project"). The EPC Agreement was entered into among the NYISO, Rochester Gas and Electric Corporation ("RG&E"), the Affected System Operator, and NextEra Energy Transmission New York, Inc. ("NextEra"), the Transmission Developer. The EPC Agreement is designated as Service Agreement No. 2635 under the NYISO's Open Access Transmission Tariff ("OATT").

I. Background

The EPC Agreement for which the NYISO submits this Notice of Cancellation was filed in the Commission's Docket No. ER21-2546-000 on July 29, 2021, as OATT Service Agreement No. 2635, and was accepted by the Commission on September 21, 2021.³ The EPC Agreement governs the rates, terms, and conditions regarding the engineering, procurement, and construction of certain upgrades ("EPC Services") on RG&E's system identified in the NYISO's Transmission Interconnection Procedures to mitigate certain adverse impacts resulting from the interconnection of the Transmission Project.

II. Notice of Cancellation

Article 2.3.1 provides that the EPC Agreement shall terminate upon the completion of the term of the agreement. Article 2.2 of the EPC Agreement establishes the term. Specifically, the EPC Agreement shall remain in effect until "the later of: (i) the dates on which all of the EPC

¹ 16 U.S.C. § 824d.

² 18 C.F.R. §§ 35.9, 35.15 (2023).

³ *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER21-2546-000 (Sept. 24, 2021).

Services have been completed, and (ii) the date on which the final payment of all invoices issued under this Agreement have been made pursuant to Articles 7.1 and 7.3 and any remaining Security has been released or refunded pursuant to Article 7.2.” Article 2.3.4 then provides that the termination of the agreement will not be effective until the parties have complied with all Applicable Laws and Regulations, including filing with the Commission a notice of termination of this agreement, which notice has been accepted for filing by the Commission.

RG&E has confirmed that the EPC Services have been completed under the EPC Agreement and that all final invoices have been issued and any remaining security has been released or refunded. There are no remaining obligations under this EPC Agreement. Therefore, pursuant to Articles 2.2 and 2.3.1 of the EPC Agreement, the EPC Agreement is terminated, subject to the Commission accepting notice terminating the agreement. Accordingly, the NYISO hereby submits this Notice of Cancellation of Service Agreement No. 2635 of the NYISO OATT for the Commission’s acceptance.

III. Requested Effective Date

The NYISO respectfully requests that the proposed Services Tariff revisions become effective on December 30, 2024 (*i.e.*, the day after the end of the statutory 60-day notice period).

IV. Communications and Correspondence

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

For the NYISO

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V. 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.

VI. Conclusion

Wherefore, the NYISO respectfully requests that the Commission accept this Notice of Cancellation.

Respectfully submitted,

/s/ Sara B. Keegan _____

Sara B. Keegan

Counsel for the

New York Independent System Operator, Inc.

cc: Janel Burdick Douglas Roe
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