

November 8, 2024

By Electronic Delivery

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

Re: Joint Filing of an Executed Amended and Restated Engineering, Procurement, and Construction Agreement Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, Cassadaga Wind LLC, Arkwright Summit Wind Farm LLC, and Ball Hill Wind Energy, LLC; Request for Waiver of 60-Day Notice Period; Docket No. ER25-____-000

Dear Ms. Reese:

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 New York State Electric & Gas Corporation ("NYSEG") (together the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Engineering, Procurement, and Construction Agreement ("Amended Agreement"). The Amended Agreement has been entered into by the NYISO, NYSEG, as the Affected Transmission Owner, and by Cassadaga Wind LLC ("Cassadaga"), Arkwright Summit Wind Farm LLC ("Arkwright"), and Ball Hill Wind Energy, LLC ("Ball Hill"), each a Developer (all parties to the agreement collectively, the "Parties").³ The Amended Agreement is labeled as Service Agreement No. 2642 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. In addition, 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 Amended Agreement effective as of October 25, 2024, which is the date on which it was fully executed.

I. Discussion

The Amended Agreement supersedes the Engineering, Procurement, and Construction Agreement among the NYISO, NYSEG, Cassadaga, Arkwright, and Ball Hill (the "Original

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2023).

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

Agreement”) that was filed in Docket No. ER21-2851-000 on September 8, 2021,⁵ and was accepted by the Commission on November 4, 2021.⁶

The NYISO’s Class Year Study for Class Year 2017 identified certain upgrades (the “Common System Upgrade Facilities”) that are required on the Affected System owned by NYSEG – the Affected Transmission Owner – to mitigate transfer degradation between the NYISO and PJM Interconnection, L.L.C. in connection with Developers’ projects. Pursuant to Sections 30.3.5 and 30.12.1 of Attachment X of the NYISO OATT, the NYISO, NYSEG, and Developers entered into the Original Agreement based on and consistent with the NYISO’s *pro forma* Large Generator Interconnection Agreement (“Pro Forma LGIA”) contained in Attachment X to the OATT, as modified to only address the engineering, procurement, and construction of the Commons System Upgrade Facilities.

Subsequent to the Commission’s acceptance of the Original Agreement, the NYISO and NYSEG determined that certain upgrade work on NYSEG’s system identified in Class Year Study for Developers’ projects was inadvertently not included in the Original Agreement. The Parties agreed to amend the Original Agreement to address this work. In particular, the Parties made the following modifications to the Original Agreement:

- Revisions to the description of the Common System Upgrade Facilities and related updates to the cost estimates in Appendix A;
- Revisions to update the milestones table for the engineering, procurement, and construction of the Common System Upgrade Facilities; and
- Revisions to reflect that this is the “Amended and Restated” Agreement.

The Amended Agreement was fully executed on October 25, 2024, by the NYISO, NYSEG, Cassadaga, Arkwright, and Ball Hill. 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. Proposed Effective Date and Request for Waiver of the 60-Day Notice Period

The Joint Filing Parties request an effective date of October 25, 2024, 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 engineering, procurement, and construction agreements to become effective upon the date of execution.⁷

⁵ *New York Independent System Operator, Inc., et al.*, Docket No. ER21-2851-000 (Sept. 9, 2021).

⁶ *New York Independent System Operator, Inc. et al.*, Letter Order, Docket No. ER21-2851-000 (Nov. 4, 2021).

⁷ *See, e.g., New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER15-2079-000 (August 5, 2015) (accepting the engineering, procurement, and

III. Communications and Correspondence

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

For the NYISO⁸

Robert E. Fernandez, Executive Vice
President, Chief Compliance Officer &
General Counsel
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

*Michael J. Messonnier Jr.
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
Tel: (804) 788-8200
Fax: (804) 344-7999
mmessonnier@huntonak.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@huntonak.com

For New York State Electric & Gas Corporation

*Timothy Lynch
Director—Electric Transmission Services
New York State Electric & Gas Corporation
18 Link Drive
Binghamton, NY 13904
Tel: 607.206.7542
TJLynch@nyseg.com

Jeffrey A. Rosenbloom
VP, General Counsel
NYSEG/RG&E
180 South Clinton Avenue
Rochester, NY 14604
Tel: 585.314.4307
Jeffrey.Rosenbloom@avangrid.com

construction agreement as of its date of execution); *see also 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).

⁸ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2023) to permit service on counsel in both Washington, D.C. and Richmond, VA.

*Designated to receive service.

IV. Documents Submitted

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

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

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 Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of October 25, 2024.

Respectfully submitted,

/s/ Michael J. Messonnier, Jr. _____

Michael J. Messonnier, Jr.

Counsel for the

New York Independent System Operator, Inc.

/s/ Jeffrey A. Rosenbloom _____

Jeffrey A. Rosenbloom

Counsel for

New York State Electric & Gas Corporation

cc:	Janel Burdick	Jette Gebhart	David Morenoff
	Emily Chen	Leanne Khammal	Jason Rhee
	Matthew Christiansen	Jaime Knepper	Douglas Roe
	Jignasa Gadani	Kurt Longo	Eric Vandenberg