

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Dover Plains Energy Properties LLC)))	Docket No. ER25-2010-000
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**PROTEST OF
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 211 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) submits this protest of the request of Dover Plains Energy Properties LLC (“Dover”) in the above-captioned proceeding for a retroactive waiver of certain requirements established in the NYISO’s Open Access Transmission Tariff (“OATT”) concerning entry into the Phase 1 Study of the NYISO’s Transition Cluster Study Process (“Waiver Request”).² As described below, the NYISO opposes the retroactive Waiver Request as: (i) Dover had reasonable notice of the applicable tariff deadlines, (ii) the requested waiver is not limited in scope as it could open the door for other Interconnection Customers to bypass these tariff deadlines, and (iii) reinserting Dover’s project into the Queue could result in additional study work and delays for the ongoing Transition Cluster Study currently being performed for 237 other Cluster Study Projects.

If the Commission grants the waiver requested by Dover, the NYISO requests that the Commission provide it with guidance concerning the reinstatement of the project into the

¹ 18 C.F.R. §§ 385.211 (2024).

² *Dover Plains Energy Properties LLC*, Petition for Limited Waiver and Request for Shortened Comment Period and Expedited Commission Action, Docket No. ER25-2010-000 (Apr. 18, 2025) (“Waiver Request”).

ongoing Transition Cluster Study as described in Part III below.³ Finally, the NYISO supports expedited action in this proceeding as described in Part IV below.

I. Background

The NYISO's Transition Cluster Study Process is the first cycle of the NYISO's Cluster Study Process that evaluates the proposed interconnections of the Cluster of projects that satisfy the requirements for participating in the study set forth in the NYISO's Standard Interconnection Procedures that are located in Attachment HH of its OATT.⁴ The NYISO developed its Cluster Study Process in connection with the Commission's Order Nos. 2023 and 2023-A to drive substantial efficiencies and improvements in the NYISO's interconnection process and to enable the increasing number of projects seeking to interconnect in New York to do so in a reliable, efficient, transparent, and timely manner.

On August 1, 2024, the NYISO opened the Application Window to commence the Transition Cluster Study Process. During the Application Window, Dover submitted an Interconnection Request for the interconnection of a proposed 1,000 MW energy storage facility (the "Facility") for which it was assigned Queue Position No. C24-316 in the NYISO's Queue. For this Interconnection Request, the NYISO identified Consolidated Edison Company of New York, Inc. ("Con Edison") as the Connecting Transmission Owner to which system the project

³ The NYISO previously filed in the above-captioned proceeding a motion to intervene and opposition to Dover's request for a shortened comment period. *See Dover Plains Energy Properties LLC*, Motion to Intervene and Opposition to Request for Shortened Comment Period of the New York Independent System Operator, Inc., Docket No. ER25-2010-000 (April 21, 2025).

⁴ On April 17, 2025, the Commission issued an order largely accepting the NYISO's new Standard Interconnection Procedures in Attachment HH of the OATT that were filed in response to the Commission's Order Nos. 2003 and 2003-A and granting an effective date for the accepted tariff provisions of May 2, 2024. *New York Independent System Operator, Inc.*, 191 FERC ¶61,049 (2025). The Commission directed that the NYISO submit an additional compliance filing to make certain further revisions or clarifications. These directives are not applicable to the tariff requirements at issue in Dover's Waiver Request.

would interconnect and New York Transco, LLC (“NY Transco”) as an Affected System Operator which system could be impacted by the proposed interconnection. The NYISO identified certain deficiencies in the Interconnection Request, which Dover addressed within the tariff-prescribed time periods. Accordingly, the NYISO validated the Interconnection Request and entered into a Cluster Study Agreement for the evaluation of the Facility with Dover, Con Edison, and NY Transco.

On November 18, 2024, the NYISO commenced the next step of its Transition Cluster Study Process – the Customer Engagement Window, which period concludes with the group Scoping Meeting for all of the projects with valid Interconnection Requests and Capacity Resource Interconnection Service (“CRIS”)-Only Requests. On January 15 and January 29, 2025, the NYISO issued notices to all Interconnection Customers, including Dover, detailing the deadlines and requirements for participating in the February 10, 2025 Scoping Meeting. On February 10, the NYISO held the Scoping Meeting that was open to all eligible Interconnection Customers, which was supplemented that same day by a group meeting open to all projects connecting to Con Edison’s system. On February 12, 2025, the NYISO issued a notice to all Interconnection Customers, including Dover, detailing the deadlines and requirements for the next step in the Transition Cluster Study Process – the Phase 1 Entry Decision Period.

The NYISO commenced the Phase 1 Entry Decision Period on February 19, 2025. During this five (5) Business Day period, an Interconnection Customer must satisfy each of the following requirements established in Section 40.7.5.3 of Attachment HH to the NYISO OATT for its Cluster Study Project to proceed to the Phase 1 Study: (i) notify the NYISO of its election for its Cluster Study Project to proceed to the Phase 1 Study; (ii) submit to the NYISO an updated proposed Initial Backfeed Date, an updated proposed Synchronization Date, and an

updated proposed Commercial Operation Date; and (iii) provide the NYISO with the Readiness Deposit 1 for its Cluster Study Project.⁵

If an Interconnection Customer does not satisfy all of these requirements by the conclusion of the five Business Day period, the NYISO is required to withdraw the project from its Queue.⁶ Dover did not satisfy any of the requirements set forth in Section 40.7.5.3 to notify the NYISO of its election to proceed to the Phase 1 Study, to provide the NYISO with its Readiness Deposit 1, and to update the key project milestones within the required five Business Days – i.e., by February 25, 2025. Accordingly, on February 26, 2025, the NYISO submitted to Dover a Withdrawal Notice for C24-316.⁷ The NYISO and New York Transmission Owners subsequently commenced the Phase 1 Studies for the 242 projects that timely satisfied the entry requirements, which studies have been underway for approximately 70 days.

On April 18, 2025, Dover filed the Waiver Request. The NYISO understands Dover to be requesting the waiver of the requirements in Section 40.7.5.3(i) and (iii) of the NYISO OATT to permit it: (i) to post its Readiness Deposit 1 and (ii) make its election to participate in the ongoing Phase 1 Study process for the Transition Cluster Study.⁸

⁵ As set forth in Section 40.7.5.3, the Readiness Deposit 1 shall be \$4,000 per MW based on the requested Energy Resource Interconnection Service amount at the Point of Interconnection for the Cluster Study Project; provided, however, that a CRIS-Only Cluster Study Project is not required to provide Readiness Deposit 1 to proceed to the Phase 1 Study.

⁶ In particular, Section 40.7.6.1 of Attachment HH to the NYISO OATT states: “If an Interconnection Customer does not satisfy the requirements in Section 40.7.5.3 for the Cluster Study Project to proceed to the Phase 1 Study, then the ISO shall withdraw the Interconnection Request or CRIS-Only Request for the Cluster Study Project from the ISO’s Queue pursuant to the Withdrawal requirements in Section 40.6.4.”

⁷ Dover had the opportunity in response to the Withdrawal Notice to pursue dispute resolution to attempt to address the items raised in its Waiver Request. OATT Att. HH Section 40.6.4.1. Dover did not pursue Dispute Resolution or inform the NYISO in connection with its withdrawal its assertions in the Waiver Request that it was unable to elect in the NYISO’s interconnection portal to proceed to the Phase 1 Study.

⁸ See Waiver Request at 2.

II. Protest

The Commission evaluates a waiver request based on the specific facts and circumstances of the request, and upon a number of factors, including (i) whether the requestor is acting in good faith; (ii) whether the request will remedy a concrete problem; (iii) whether the request is of limited scope; and (iv) whether the waiver, if granted, will have undesirable consequences such as harming third parties.⁹ The Commission's evaluation of a waiver request is highly dependent on the specifics of a particular request, and the Commission has recognized that the granting of a waiver request is not precedent for granting future waiver requests.¹⁰

The NYISO opposes the Commission granting Dover's Waiver Request. As described below, (i) Dover had reasonable notice to satisfy the tariff requirements to enter the Phase 1 Study; (ii) the requested waiver is not limited in scope as it eliminates the timing requirements of the Phase 1 Study Entry Decision Period for Dover's project and opens the door for later Interconnection Customers to seek to bypass these requirements; and (iii) permitting such late entry could have undesirable consequences as it could result in delays and additional study work in the ongoing Transition Cluster Study currently being performed for 237 other Cluster Study Projects participating in the Transition Cluster Study Process.¹¹ Finally, Dover's request that the Commission waive the requirements in Sections 40.7.5.3(i) and 40.7.5.3(iii) to permit it to satisfy the entry requirements for the Phase 1 Study approximately 70 days following the tariff

⁹ See *PJM Interconnection, L.L.C. and Trans-Allegheny Interstate Line Company*, 144 FERC ¶ 61,060 at P 17 (2013); *Air Energy TCI, Inc.*, 143 FERC ¶ 61,172 at P 16 (2013); *Hudson Transmission Partner, LLC*, 131 FERC ¶ 61,157 at P 10 (2010).

¹⁰ See *PJM Interconnection, L.L.C. and Trans-Allegheny Interstate Line Company*, 144 FERC ¶ 61,060 at P 17 (2013) (noting that the granting of the requested waiver "is based on the specific facts and circumstances of the request"); see also *Air Energy TCI, Inc.*, 143 FERC ¶ 61,172 at P 16 (2013) (noting that "our grant of waiver is limited to the facts and circumstances of the case before us").

¹¹ The NYISO concentrated its response on the most pertinent issues raised in the Waiver Request. The NYISO's failure to address any particular statement in the Waiver Request should not be understood as the NYISO's agreement with such statement.

prescribed due date constitutes a retroactive waiver request. The Commission regularly denies retroactive waiver requests as prohibited by the filed rate doctrine absent circumstances not present here.¹²

First, Dover had reasonable notice to satisfy the tariff requirements to enter the Phase 1 Study and its failure to timely act is inconsistent with its purported good faith and its statement that it “was at all times prepared and anxious to comply with these tariff requirements.”¹³ In line with the Commission’s directives in Order Nos. 2023 and 2023-A, the NYISO’s new Cluster Study Process establishes more stringent requirements on Interconnection Customers, Transmission Owners, and the NYISO itself, including prescribed timeframes and readiness requirements. These requirements, including process deadlines, are required to facilitate a more efficient and shortened interconnection process and to enable all entities participating in the process to also act within their own required timeframes. For this reason, the NYISO has been providing Interconnection Customers with information on an ongoing basis through a number of formats regarding important deadlines and requirements, including communications and training sessions prior to the commencement of the Transition Cluster Study.¹⁴

Dover casts its failure to act to timely satisfy the Phase 1 Study entry requirements as the result of “inadvertent oversights and missed communications that resulted from this new and untested process.”¹⁵ In particular, Dover states that it did not receive “actual” notice of the

¹² See, e.g., *Hecate Grid Clermont 1 LLC*, 183 FERC ¶ 61,011 at P 16 (2023) (citing *Okla. Gas & Elec. Co. v. FERC*, 11 F.4th 821 (D.C. Cir. 2021); *Old Dominion Elec. Coop. v. FERC*, 892 F.3d 1223 (D.C. Cir. 2018)). The Commission has granted retroactive waivers where an ISO/RTO’s tariff explicitly permits that option. See *id.* at n 20. However, the NYISO’s Standard Interconnection Procedures do not provide for the Commission to retroactively waive the timeframes for the entry requirements for the Phase 1 Study process.

¹³ See Waiver Request at 2.

¹⁴ See, e.g., NYISO’s Standard Interconnection Procedures – Interconnection Process Overview available at: <https://www.nyiso.com/documents/20142/41887799/NYISOs-Standard-Interconnections-Procedures.pdf/24a6a12e-bce1-c9ea-3a58-f634dc36bc55?t=1743110746480>

¹⁵ See Waiver Request at 10.

requirements to enter the Phase 1 Study until five Business Days before it was required to take the required actions.¹⁶ Further, Dover states that these deadlines are not specified in the NYISO's OATT or in any notice posted on the NYISO's website or interconnection portal.¹⁷

These statements are incorrect and fail to explain how 242 other projects that were subject to the same notices and rules were able to successfully satisfy the requirements in the Phase 1 Entry Decision Period. Most significantly, Dover acknowledges in its Waiver Request that it received and overlooked the explicit notice from the NYISO on February 12, 2025, detailing the deadlines and requirements for the Phase 1 Entry Decision Period.¹⁸ That is, Dover did receive actual notice of the applicable deadlines and requirements and received such notice at the same time as all other Interconnection Customers participating in the Transition Cluster Study.¹⁹

In addition to this notice, the NYISO provided Interconnection Customers, including Dover, with additional notice concerning the timeframes for the key process steps, including the Phase 1 Entry Decision Period deadline. For example, the NYISO notified Interconnection Customers on October 9, 2024, of an extension of the time period for curing deficiencies in the Application Window by 31 days. Pursuant to the tariff requirements for this additional time, the NYISO also provided Interconnection Customers with an updated process timeline, which included the deadlines for the Phase 1 Entry Decision Period.²⁰ This notice was also publicly posted on the NYISO website.²¹

¹⁶ Waiver Request at 2.

¹⁷ Waiver Request at 2.

¹⁸ Waiver Request at 4.

¹⁹ Black Law's dictionary defines "actual notice", also termed "express notice", as "Notice given directly to, or received personally by, a party." Notice, BLACK'S LAW DICTIONARY (12th ed. 2024).

²⁰ See OATT Att. HH Section 40.9.2.2.

²¹ The notice is available at: <https://www.nyiso.com/documents/20142/1396587/Notice-of-Extension-of-Application-Window-2024-10-09.pdf/cf0097ca-1ade-caa2-9e72-feb7247ca05d>.

Moreover, the NYISO provides regular updates to stakeholders and Interconnection Customers in the NYISO's stakeholder Interconnection Issues Task Force, Transmission Planning Advisory Committee and Operating Committee meetings. The meeting materials posted for such meetings are available on the NYISO's website.²² In addition, the NYISO uses Cloud Coach, which is a project management software that allows each Interconnection Customer to view and track each of the key Cluster Study milestones for the project. The only project contact for Dover, Mr. Payne, had access to this software through the NYISO's interconnection portal. Finally, the tariff clearly specifies the timeframes for each process step in the Cluster Study Process, including that the Phase 1 Entry Decision Period shall commence on the first Business Day after the end date of the Customer Engagement Window and that the decision period would be a five Business Day period.²³ Accordingly, even if Dover inadvertently overlooked the February 12, 2025, notice, it had reasonable notice of the upcoming deadlines. Nonetheless, Dover waited until the end of the Phase 1 Entry Decision Period to inquire about Surety Bond requirements.²⁴

Dover also states that once it became aware of the deadline it was not able to indicate in the NYISO's interconnection portal its intent to proceed to the Phase 1 Study without simultaneously providing the information required for its Readiness Deposit 1.²⁵ The NYISO, however, has not identified any correspondence from Dover during the Phase 1 Entry Decision

²² Unless designated as Critical Energy Infrastructure Information ("CEII"), meeting materials are available to any member of the public. Updates on the Cluster Study Process and schedule are not designated as CEII.

²³ OATT Att. HH Sections 40.7.5.1, 40.7.5.2.

²⁴ Such requirements were detailed in a NYISO training presentation provided to Interconnection Customers, a copy of which was provided directly to Dover on August 1, 2024. <https://www.nyiso.com/documents/20142/41887799/NYISOs-Standard-Interconnections-Procedures.pdf/24a6a12e-bce1-c9ea-3a58-f634dc36bc55?t=1743110746480>.

²⁵ Waiver Request at 6-7. As stated in the Waiver Request, in response to Dover's request for instructions concerning the submission of a surety bond, the NYISO instructed Dover to send the draft surety bond to the NYISO's credit department. However, the NYISO has not found any evidence that Dover actually proceeded to submit the draft surety bond to the NYISO.

Period identifying issues with making an election to enter the Phase 1 Study in the NYISO's interconnection portal.²⁶

Dover separately asserts that it cannot identify emails from the NYISO concerning the Scoping Meeting for the Transition Cluster Study Process and was therefore unable to participate in the meeting. The NYISO has reviewed the records in its interconnection portal system and has identified that these emails were sent to Dover's only project contact, Mr. Payne, at the email address provided by Dover and were not opened. While the NYISO cannot address how such emails were treated by Dover's system, the NYISO sent these emails via the same mechanism and to the same email address as other correspondence that Dover has indicated it received. In addition, the NYISO provided public information concerning the Scoping Meetings in its stakeholder meetings.²⁷ For all of the above reasons, the NYISO believes that Dover had reasonable notice concerning the timeframes for satisfying the tariff obligations to enter the Phase 1 Study.

Second, the Commission should reject the Waiver Request as it is not limited in scope. As demonstrated above, Dover was provided notice concerning the deadlines for the Phase 1 Entry Decision Period and has not provided a basis for bypassing these deadlines that distinguishes it from any other Interconnection Customer that was equally on notice and failed to

²⁶ While Dover was not required to make use of the dispute resolution procedures included in the NYISO's Standard Interconnection Procedures, it did have the opportunity and failed to take such action in response to the Withdrawal Notice or to raise with the NYISO its uncertainty concerning how to make its election to proceed to the Phase 1 Study in the interconnection portal. This eliminated the opportunity for the parties to potentially address this issue either during the tariff-prescribed time period or within the immediately following cure period at the start of the Phase 1 Study process, which may have minimized the potential impacts of addressing this issue on the Phase 1 Studies.

²⁷ For example, at the February 3, 2023, stakeholder Transmission Planning Advisory Subcommittee meeting, NYISO staff noted that the Scoping Meeting was scheduled for February 10 and 18. See draft February 3, 2025, TPAS meeting minutes; *available at*: https://www.nyiso.com/documents/20142/50731925/01_TPAS_02032025_draft_minutes_for_review.pdf/9178785f-4cc6-c346-2267-9dfabc877474.

act within the required 5 Business Day period. Accordingly, if the Commission were to grant the Waiver Request, it would open the door for other Interconnection Customers to seek to bypass deadlines in the Cluster Study Process, nullifying the stringent requirements needed to implement a more efficient and shortened process.

Finally, the Commission should reject the Waiver Request as it will likely have undesirable consequences, including potential delays and additional study work, on other parties to the Transition Cluster Study, in particular the impacted Transmission Owners and other Interconnection Customers. The NYISO has completed the base cases required for Con Edison and NY Transco to perform the Phase 1 Studies for the Cluster Study Projects proposing to interconnect to or impacting their systems. Con Edison and NY Transco have commenced the performance of the Phase 1 Studies. Under the Cluster Study Process, Con Edison and NY Transco are required to conduct these studies within prescribed timeframes and are no longer performing these studies under the Reasonable Efforts standard.

Transmission Owners are allotted 150 days to develop binding cost estimates and construction schedules for Local System Upgrade Facilities in the Phase 1 Study. Given the complexity of these studies, along with the unprecedented volume of projects that have entered the Cluster Study, granting Dover a waiver to enter the Phase 1 Study at this stage would eliminate at least half of the allotted time and, therefore, not provide enough time for the Transmission Owners to complete the study. Additionally, granting Dover's waiver would cause a delay in the overall cluster study process and this would be disservice to the other roughly 240 projects in the cluster.

In addition to the potential delays to the Phase 1 Study work performed by Con Edison and NY Transco, if the project was reinstated during the Phase 1 Study process, the NYISO may

also experience delays to its preparatory work for Phase II. Section 40.10.7 of Attachment HH to the OATT requires NYISO to provide the finalized Cluster Baseline Assessment (“CBA”) and Cluster Project Assessment (“CPA”) steady state base cases to the Connecting Transmission Owners within sixty calendar days of the Phase I Study Start Date. The Phase I Study began on February 26, 2025 so the Connecting Transmission Owner’s preparatory Phase II work for Individual Breaker Analysis (“IBA”) already commenced on April 29th. Analysis must be completed and the NYISO must identify required solutions no later than sixty days after the Phase 2 Study State Date.²⁸

If the Commission were to grant the requested waivers and permit Dover’s Facility to enter the Phase 1 Studies at this stage, the NYISO would need to update the base cases currently being relied on for Phase 2 Study preparatory work that must be performed during the Phase 1 Study process, in order, to meet tariff deadlines.²⁹ Specifically, reinstatement of the Dover project would require NYISO to rebuild the following cases:

- (1) CPA short circuit base case;
- (2) CPA steady-state base case, including updating all auxiliary studied files that NYISO worked collaboratively with the Transmission Owners to create for the applicable analyses;
- (3) CPA stability base case, including updating all auxiliary studied files that NYISO worked collaboratively with the Transmission Owners to create for the applicable analyses; and
- (4) transfer analysis base case to assess the impacted proposed projects on NY/NE interfaces.

²⁸ See OATT Att. HH Section 40.10.7.1.4.

²⁹ See OATT Att. HH Section 40.10.7.1.2.

In addition, all ongoing analyses would need to be rerun (*e.g.*, CPA steady-state N-0 and N-1 analyses, New York/ISO-NE transfer analysis, and CPA short circuit analysis). Further, the NYISO would also need to rebuild the CPA deliverability base case and would also need to rebuild the on-going Expedited Deliverability Study (“EDS”) deliverability base case.³⁰ Certain analyses would also need to be re-performed, in particular, short circuit analyses, steady state analyses and bus flow analyses. Adding the Dover Facility to the base cases is particularly impactful due to the large size of the project (energy request of 1,000 MW), the location of the Point of Interconnection, which is close to a tie line with ISO-NE, and the need to coordinate with an internal Affected Transmission Owner and External Affected Systems.

In summary, adding projects to the Cluster after completion of the base cases could disrupt the ongoing study work, require re-starting study work, and potentially delay the ultimate completion of Phase 1 Studies and the Phase 2 Study.³¹ The Phase 2 preparatory work being performed during Phase 1 is critical for the Transition Cluster Study process to complete as scheduled. To be able to perform the analyses and identify and cost estimate required upgrades in Phase 2, the NYISO needs to have all preliminary power simulation studies results completed by the end of Phase 1. This will allow Phase 2 to proceed according to tariff deadlines as Transmission Owners will need sufficient time to conduct and complete System Upgrade Facility design studies as solutions for any reliability issues caused by Transition Cluster Study Projects.

³⁰ The on-going EDS deliverability base is utilizing the CPA deliverability base case as the baseline for the EDS.

³¹ In light of the project’s proposed Point of Interconnection on a tie-line with ISO-NE, there are multiple Affected Transmission Owners and Affected System Operators and the potential for significant System Upgrade Facilities, for which the identification, design and cost estimates need to be developed in both the Phase 1 Study (local System Upgrade Facilities) and in the Phase 2 Study (non-Local System Upgrade Facilities).

Such delays could harm other members of the Cluster that timely satisfied the entry requirements specified in the tariff.³² The likelihood and magnitude of delays, and associated harm, will increase the further into the study process any changes were to occur.

For these reasons, the Commission has previously rejected waiver requests that could result in harm to other participants in the NYISO's clustered interconnection studies due to changes to base cases that could disrupt study work and delay the completion of the study for participating members.³³

Dover asserts that other participants would not be harmed because Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") has requested an extension of the Phase 1 Study deadlines due to the substantial number of projects proposing to interconnect to its system.³⁴ While certain of the Transmission Owners performing Phase 1 Study work have communicated to stakeholders that some Phase 1 Study reports may be delayed, the potential need for additional time by any Transmission Owner is not known at this stage. Pursuant to Section 40.9.2.2 of the NYISO OATT, if a Connecting Transmission Owner is unable to complete an individual component of the Cluster Study Process in accordance with that component's timeframe, it must complete it as soon as practicable, and the NYISO will inform Interconnection Customers of the anticipated delay to the process timeframe.³⁵ Accordingly, Con Edison and NY Transco are still proceeding to complete the study work for the Phase 1 Studies

³² After the NYISO completes the pre-project base case – the CBA, it begins to add the Cluster Study Projects to the models to develop the CPA. If withdrawn Cluster Study Projects are added to the CPA, the NYISO will need to re-open the CPA, which would delay the start of certain analyses and require re-work or restudy for analyses already underway.

³³ See *Middletown Energy Storage LLC*, 182 FERC ¶ 61,092 at P 34 (2023).

³⁴ Waiver Request at 12-13.

³⁵ Such additional time does not change the required study timeframes established in the tariff. The NYISO will report any such additional time beyond the tariff-prescribed deadlines through its publicly reported study metrics as set forth in Sections 40.9.2.2 and 40.9.3 of the OATT. In addition, beginning with the third cycle of the Cluster Study Process, the NYISO and Transmission Owners could be subject to study delay penalties due to such additional time.

in line with the tariff-prescribed deadlines, and the Waiver Request could adversely impact the projects subject to these studies as well as Con Edison's and NY Transco's ability to satisfy their tariff responsibilities.

III. The Commission Must Provide Implementation Guidance if the Petition is Granted

Should the Commission grant the waiver petition, the NYISO respectfully requests that the Commission provide it with guidance concerning the following issues that would have to be addressed to reinstate the project into the Queue and Transition Cluster Study.

First, if the Commission grants the requested waiver, the NYISO requests that it confirm that Dover's project may only proceed into the Phase 1 Study if it satisfies the following requirements within ten (10) Business Days of the Commission's order:

- Submission of a new Study Deposit; and
- Submission of Readiness Deposit 1.

Due to the project's withdrawal, the NYISO proceeded to assess the Withdrawal Penalty required by Section 40.7.6 of Attachment HH and is now in the reconciliation process. Upon reconciliation of outstanding invoices and the Withdrawal Penalty, the remainder of the initial Study Deposit will be refunded to Dover, which may occur prior to the Commission issuing an order on the waiver petition. Accordingly, to proceed in the Transition Cluster Study process, Dover should be required to submit anew its Study Deposit as well as the Readiness Deposit 1 which was required to enter the Phase 1 Study.

Second, if the Commission grants the requested waiver, the NYISO requests that it confirm that the NYISO should refund the Withdrawal Penalty assessed on April 7, 2025, and that such refund will be effectuated upon Dover satisfying the above-listed conditions precedent to being reinstated.

Third, if the Commission grants the requested waiver, the NYISO requests that it confirm that Dover will be responsible for Phase 1 Study and Phase 2 Study costs prospectively once reinstated. Invoicing for the preparatory work for Phase 2 is already underway and has been socialized among and invoiced to the current active Transition Cluster Study projects. To refund such invoiced payments, re-allocate and re-invoice the study costs based on 243 Interconnection Customers (including Dover) versus the 242 Interconnection Customers among whom the Phase 2 preparatory work study costs were initially socialized, while equitable, is administratively impractical.

Fourth, any Commission order granting the waiver should clearly state that the NYISO is authorized to take all steps that it reasonably deems necessary to give effect to the waiver while also administering its Transition Cluster Study process with as few deviations, both with respect to Dover and other projects, as practicable. Although the NYISO has endeavored to identify rules potentially implicated by the waiver request, it may be that other rules would have to be waived, and other implications addressed, if the waiver request is granted.

IV. Request for Expedited Treatment

The NYISO respectfully asks that the Commission expedite its review of the Waiver Request. Commission action as quickly as possible is crucial to effectuate any waiver and to provide certainty to the NYISO, Transmission Owners, and Interconnection Customers concerning the timeframes for the ongoing Transition Cluster Study. As described above, reintroducing the project in the Transition Cluster Study could result in delays in the performance of Phase 1 Studies and the need for restudy work and potential delays in the Phase 2

Studies. This timeframe is particularly important in this instance given the substantial number of projects participating in the Transition Cluster Study.

V. Communications and Correspondence

All communications and service with regard to this filing should be directed to:

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VI. Conclusion

WHEREFORE, for the foregoing reasons, the NYISO respectfully requests that the Commission accept this protest, deny Dover's Waiver Request, and rule on the Waiver Request expeditiously.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

Raquel M. Parks

/s/ Michael J. Messonnier Jr.

Michael J. Messonnier Jr.

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May 9, 2025

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 9th day of May 2025.

/s/ Elizabeth Rilling

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