

**THIS FILING LETTER DOES NOT CONTAIN ANY CEII. ATTACHMENTS I, II, AND IV DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT III INCLUDES DIAGRAMS FOR WHICH CEII DESIGNATION IS REQUESTED IN PART III BELOW, AND IS SUBMITTED SEPARATELY.**

July 2, 2025

**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 Large Generator Interconnection Agreement for the Excelsior Energy Center Project (Queue Position No. 721) Among the New York Independent System Operator, Inc., the New York Power Authority, and Excelsior Energy Center, LLC; Request for Critical Energy Infrastructure Information Designation; Request for Waiver of the 60-Day Notice Period; Docket No. ER25-\_\_\_\_-000

Dear Ms. Reese:

Pursuant to Section 205 of the Federal Power Act<sup>1</sup> and Section 35.13 of the Federal Energy Regulatory Commission's ("Commission") regulations,<sup>2</sup> the New York Independent System Operator, Inc. ("NYISO") and the New York Power Authority ("NYPA") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Large Generator Interconnection Agreement for the Excelsior Energy Center Project (NYISO Queue Position No. 721) among the NYISO, NYPA, as the Connecting Transmission Owner, and Excelsior Energy Center, LLC ("Excelsior"), as the Developer (the "Amended Agreement").<sup>3</sup> The Amended Agreement is labeled as Service Agreement No. 2689 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. The 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 with limited non-conforming exceptions previously accepted by the Commission for the prior version of this agreement.<sup>4</sup> Further, as described in Part II of this letter, the Joint Filing

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. § 35.13 (2025).

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

<sup>4</sup> This agreement conforms to the Pro Forma LGIA in Attachment X of the NYISO OATT that was in effect at the time the Original Agreement was executed, along with the limited variations from that Pro Forma LGIA

Parties respectfully request a waiver of the Commission's prior notice requirements<sup>5</sup> to make the Amended Agreement effective as of June 17, 2025, which is the date of its execution. Finally, as described in Part III of this letter, NYPA requests that the diagrams included in the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

## **I. Discussion**

### **A. Background**

The Amended Agreement supersedes the Large Generator Interconnection Agreement among the NYISO, NYPA, and Excelsior that was filed in the Commission's Docket No. ER22-2376-000 on July 14, 2022, and was accepted by the Commission on August 31, 2022 (the "Original Agreement").<sup>6</sup> The Original Agreement was based on and is consistent with the Pro Forma LGIA, but included certain non-conforming modifications, which were accepted by the Commission.

Excelsior is constructing a 280 MW solar powered facility to be located in Genesee County, New York (the "Facility"). Additional details regarding the Facility can be found in Appendix C of the Amended Agreement. The Facility will interconnect to certain facilities of NYPA that are part of the New York State Transmission System. The Point of Interconnection will be at NYPA's new 345 kV Byron Substation. Appendix A-1 of the Amended Agreement includes a one-line diagram showing the Point of Interconnection.

Subsequent to the effective date of the Original Agreement, Excelsior proposed to update its Commercial Operation Date ("COD"), which the NYISO determined was not material, and made related updates to the milestone dates set forth in Appendix B of the Original Agreement.

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previously accepted by the Commission. This subsequent amendment to this Original Agreement addresses non-material modifications to the project accepted by the NYISO and were not the result of Excelsior submitting a new Interconnection Request to the NYISO to modify its project. Accordingly, the parties have not updated the agreement to the current *pro forma* version of the agreement in Attachment X of the NYISO OATT or the new Standard Interconnection Agreement in Attachment HH of the NYISO OATT. *See, e.g., Midwest Independent Transmission System Operator, Inc.*, 124 FERC ¶ 61,277 at P 11 (2008) (accepting the use of a new interconnection agreement that conforms with the transmission provider's current *pro forma* agreement because the developer submitted a new interconnection request to increase its project's generating capacity and was therefore required to comply with the current *pro forma* procedures and agreement).

<sup>5</sup> *See Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, clarified, 65 FERC ¶ 61,081 (1993).

<sup>6</sup> *New York Independent System Operator, Inc. and New York Power Authority*, Letter Order, Docket No. ER22-2376-000 (Aug. 31, 2022).

Accordingly, the NYISO, NYPA, and Excelsior have revised Appendix B of the Original Agreement to reflect the revised COD and updated milestone dates.

In addition, the parties agreed to the following additional revisions to the Original Agreement:

- revised the descriptions in Appendix A of certain equipment for the Facility’s Excelsior Energy Collector Substation, for the Byron Substation, and for Affected System work at NextEra Energy Transmission New York, Inc. (“NEETNY”)’s Dysinger Substation;<sup>7</sup>
- clarified in Appendix A the interaction of this project with another project in the NYISO’s Queue -the STAMP Project (NYISO Queue Position No. 580);
- updated certain work responsibilities between NYPA and Excelsior as detailed in Appendix A;
- inserted certain NYPA operating requirements in Appendix C;
- revised Appendices E-1, E-2, and F of the Original Agreement to update NYPA’s contact information; and
- revised the Original Agreement to indicate that this is an “Amended and Restated” version of the agreement.

**B. The Amended Agreement Closely Conforms to the Pro Forma LGIA Contained in Attachment X of the NYISO OATT**

The Amended Agreement was fully executed on June 17, 2025, by the NYISO, NYPA, and Excelsior. The Amended Agreement largely conforms to the language in the Pro Forma LGIA contained in Attachment X of the NYISO OATT and does not include non-conforming variations 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 June 17, 2025, 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.<sup>8</sup>

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<sup>7</sup> The work at NEETNY’s Dysinger Substation will be performed pursuant to a separate Engineering, Procurement, and Construction Agreement among the NYISO, Excelsior, and NEETNY. *See New York Independent System Operator, Inc.*, Letter Order, Docket No. ER22-2647-000 (Oct. 5, 2022).

<sup>8</sup> The Commission generally grants waiver of the 60 day prior notice requirement when a service agreement is submitted for filing within 30 days of the agreement’s effective date. *See Prior Notice Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139 (1993).

The Commission has previously permitted interconnection agreements to become effective upon the date of execution.<sup>9</sup>

### **III. Request for CEII Treatment**

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>10</sup> NYPA requests that the one-line diagrams included in Appendix A of the Amended Agreement and labelled as Figures A-1, A-2, A-3, and A-4 be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>11</sup> The diagrams contain detailed, one-line schematics of NYPA's facilities that, if disclosed, could pose a threat to the security and reliability of the New York State bulk power system. The diagrams provide more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, the schematics show the exact nature and specific location of facilities used to maintain the reliability of the New York State bulk power system.

The diagrams, in NYPA's assessment, reveal such critical information related to the facilities depicted therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of the CEII diagrams would pose a threat to the reliability of the New York State bulk power system and the health and safety of New York residents. Moreover, the information revealed in these schematics reveal CEII, which the Commission has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The diagrams have been omitted from the Public version of the Amended Agreement included in this filing.

The Joint Filing Parties are electronically submitting a non-public version of this filing. The diagrams are included only in the non-public version of the Amended Agreement in the filing. The non-public diagrams are marked: **"FIGURE CONTAINS CEII – DO NOT RELEASE PURSUANT TO 18 C.F.R. §§ 388.112 and 388.113."** The non-public diagrams

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<sup>9</sup> 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 as requested by the parties); *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).

<sup>10</sup> 18 C.F.R. §§ 388.112 and 388.113 (2025).

<sup>11</sup> As required by Section 388.113(d)(1)(i) of the Commission's regulations, NYPA has described in the filing letter how the one-line diagrams in Appendix A satisfy the definition of critical energy infrastructure information as that term is defined in Section 388.113(c)(2). In addition, as required by Section 388.113(d)(1)(ii) the cover page of the filing letter and the relevant pages of the Amended Agreement that contain critical energy infrastructure information are labelled as including CEII and marked DO NOT RELEASE, and a Public and CEII version of the Amended Agreement are being filed with this letter. The CEII material is redacted in the Public version. Finally, as required by Section 388.113(d)(1)(i), NYPA requests that the Commission designate the CEII material submitted on July 2, 2025, with the full five-year CEII designation provided for in Section 388.113(e)(1) as the information provided in the one-line diagrams will continue to satisfy the definition of critical energy infrastructure information for this entire period.

should be treated as CEII reviewable by Commission Staff. In accordance with the Commission's April 14, 2017 notice on labeling of non-public information, each page of the non-public version of the filing is marked "CUI//CEII."<sup>12</sup> Placeholders have been included in place of the non-public diagrams in the public version of the Amended Agreement.

All communications relating to this request for privileged and confidential treatment should be addressed to NYPA's Counsel listed below.

#### **IV. Communications and Correspondence**

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

##### **For the NYISO<sup>13</sup>**

Robert E. Fernandez, Executive Vice  
President, Chief Compliance Officer, &  
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##### **For New York Power Authority**

Lori A. Alesio, Executive Vice President & General Counsel  
\*Nathan D. Markey, Special Counsel  
New York Power Authority  
123 Main Street  
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<sup>12</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

<sup>13</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2025) to permit service on counsel in both Washington, D.C. and Richmond, VA.

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\*Designated to receive service.

**V. Documents Submitted**

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

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

**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.

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**VII. Conclusion**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of June 17, 2025.

Respectfully submitted,

*s/ Sara B. Keegan*

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

*s/ Nathan D. Markey*

Nathan D. Markey

*Counsel for*

*New York Power Authority*

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