

November 19, 2025

By Electronic Delivery

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

Re: Refund Report of New York Independent System Operator, Inc and Rochester Gas and Electric Corporation; Docket No. ER25-3291-___

Dear Ms. Reese:

On October 24, 2025, the Federal Energy Regulatory Commission (“Commission”) issued a letter order (“Order”) accepting for filing the executed Amended and Restated Engineering, Procurement, and Construction Agreement (“Amended Agreement”) jointly filed by the New York Independent System Operator, Inc. (“NYISO”) and Rochester Gas and Electric Corporation (“RG&E”) (collectively, the “Joint Filing Parties”) in connection with the Cider Solar project (NYISO Queue No. 811).¹ The Amended Agreement was entered into among the NYISO, RG&E, as the Affected System Operator, and Hecate Energy Cider Solar, LLC (“Hecate”), as the Developer.²

In its Order, the Commission denied the Joint Filing Parties’ request for an effective date for the Amended Agreement as of its date of execution and established instead an effective date of October 26, 2025, which was 61 days after the filing date. The Commission stated that its policy is to deny waiver of prior notice requirements for rate increases absent a strong showing of good cause. The Commission directed the NYISO within 30 days: (i) to refund “the time value of the difference between the increased rate and the existing rate actually collected” for the time period during which the increased rate was charged without Commission authorization and (ii) to file a refund report with the Commission, including information supporting its calculation of the time value of revenues collected with Commission authorization.

As required by the Order, the Joint Filing Parties submit this letter to satisfy the Commission’s requirement to submit a refund report. The Joint Filing Parties clarify that the Amended Agreement did not increase the filed rate applicable to the Cider Solar project and did not modify Hecate’s cost responsibility for the work being performed under the terms of the original or the amended engineering, procurement, and construction agreement for this project.

¹ *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER25-3291-000 (Oct. 24, 2025).

² Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachments S, X, or HH of the Open Access Transmission Tariff (“OATT”), and if not defined therein, in the OATT and NYISO Market Administration and Control Area Services Tariff.

The Cider Solar project participated in the NYISO's Class Year Interconnection Facilities Study ("Class Year Study") for Class Year 2021. Pursuant to the NYISO's procedures for the Class Year Study established in its OATT, the Developer must elect at the end of the study whether to accept the cost estimate for the upgrades determined for its project and post security in this amount to the Transmission Owner whose system will be upgraded.³ Once the Developer posts this Security, its project may proceed to enter into an interconnection agreement and any related construction agreements, and the Developer is responsible for the actual costs required for the upgrades up to its accepted amount.⁴ Any additional actual costs above its accepted estimated amount will be allocated between the Developer and the Transmission Owner in accordance with the future cost responsibility requirements prescribed in the NYISO's existing filed rate.⁵ These cost responsibility rules are reflected in the Amended Agreement.⁶

In this instance, Hecate accepted its cost allocation in Class Year 2021 in the amount of \$328,918 for Affected System work on RG&E's system and posted security to RG&E in this amount. In accordance with the NYISO's filed rate, Hecate may be responsible for costs above its accepted estimated amount in accordance with the application of the NYISO's future cost responsibility requirements. The Amended Agreement does not modify the existing filed rate, but only includes in its Appendix A an updated estimate of the costs by RG&E, for which any additional cost amount will be allocated in accordance with the NYISO's OATT requirements.

In the event the NYISO's consistent application of its existing filed rate to the Amended Agreement were to be considered a rate increase, the NYISO reports that it has collected \$0 from Hecate in connection with the Cider Solar project between the date of execution for the Amended Agreement (August 12, 2025) and the effective date established in the Order (October 26, 2025). RG&E reports that Hecate did make a deposit of \$300,000 as prepayment for future oversight services in accordance with the Amended Agreement, but RG&E did not draw on this this amount or incur any expenses prior to October 26, 2025.

Respectfully submitted,

s/ Sara B. Keegan

³ See OATT Attach. S §§ 25.8.2-25.8.4 (establishing Class Year decision period requirements applicable to Class Year 2021).

⁴ See OATT Attach. X § 30.3.5 (establishing requirement for Developer to enter into an engineering, procurement, and construction agreement for Affected System work following completion of a Class Year Study in which Developer accepted its project cost allocation); OATT Attach. S § 25.8.6 and Attach. HH § 40.16.3 (establishing that the developer is responsible for the costs up to its accepted amount subject to the exceptions in that provision concerning actual costs that are lower or higher than the estimated amount).

⁵ See OATT Attach. S § 25.8.6.4 and Attach. HH § 40.16.3.4 (establishing requirements for allocating between Developers and Transmission Owners any actual costs greater than the estimated, secured cost amount).

⁶ Amended Agreement § 6.1.

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s/ Phillip D. Demanchick Jr.
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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 19th day of November 2025.

/s/ Elizabeth Rilling

Elizabeth Rilling
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