

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

January 14, 2026

**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 Third Amended and Restated Large Generator Interconnection Agreement for the Bayonne Energy Center I and II Facilities Among the New York Independent System Operator, Inc., Consolidated Edison Company of New York, Inc., and Bayonne Energy Center, LLC; Request for Critical Energy Infrastructure Information Designation and Privileged and Confidential Treatment; Request for Waiver of the 60-Day Notice Period; Docket No. ER26-\_\_\_\_-000

Dear Ms. Reese:

Pursuant to Section 205 of the Federal Power Act<sup>1</sup> and Section 35.12 of the Commission's regulations,<sup>2</sup> the New York Independent System Operator, Inc. ("NYISO") and Consolidated Edison Company of New York, Inc. ("Con Edison") (together, the "Joint Filing Parties") hereby tender for filing an executed Third Amended and Restated Large Generator Interconnection Agreement for the Bayonne Energy Center I and II generating facilities among the NYISO, Con Edison, as the Connecting Transmission Owner, and Bayonne Energy Center, LLC ("BEC"), as the Developer (the "Third Amended Agreement"). The Third Amended Agreement is labeled as Service Agreement No. 1668 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Third Amended Agreement for filing. The Third 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: (i) limited non-conforming exceptions that are described in Part I of this letter and (ii) limited non-conforming exceptions previously accepted by the

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. § 35.12 (2025).

Commission for prior versions of this agreement.<sup>3</sup> Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver of the Commission's prior notice requirements<sup>4</sup> to make the Third Amended Agreement effective as of December 31, 2025, which is the date of its full execution.

Finally, as described in Part III of this letter, Con Edison requests: (i) that the one-line diagrams included in Figure A-1 in Appendix A of the Third Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information and (ii) that its 2017 Accommodation Billing Schedule Rates included in Attachment G-4 to Appendix G of the Third Amended Agreement be protected from disclosure as privileged and confidential information.

## I. Discussion

### A. Background

BEC owns and operates the 512 MW Bayonne Energy Center I (NYISO Queue Position No. 232) and 132 MW Bayonne Energy Center II (NYISO Queue Position No. 510) natural gas generating facilities (collectively, the "Bayonne I and II Facilities"), which are located in Bayonne, New Jersey. Additional details regarding the Bayonne I and II Facilities can be found in Appendix C of the Third Amended Agreement.

The Third Amended Agreement supersedes the Second Amended and Restated Large Generator Interconnection Agreement ("Second Amended Agreement") among the NYISO, Con Edison, and Bayonne for the Bayonne I and II Facilities that was filed in Docket No. ER18-1161-000 on March 22, 2018, and accepted by the Commission on May 17, 2018.<sup>5</sup>

The Bayonne I and II Facilities feed energy to the Point of Interconnection at Con Edison's Gowanus 345 kV Substation through certain Developer's Attachment Facilities and Connecting Transmission Owner's Attachment Facilities. Subsequent to the execution of the

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<sup>3</sup> This agreement conforms to the Pro Forma LGIA in Attachment X of the NYISO OATT that was in effect at the time the prior version of the agreement was executed, along with the limited variations from that Pro Forma LGIA previously accepted by the Commission. This amendment to the second amended version was not the result of Bayonne 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>4</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>5</sup> *See New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER18-1161-000 (May 17, 2018) (accepting second amended version of interconnection agreement for Bayonne I and II Facilities); *see also New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER14-239-000 (Dec. 23, 2013) (accepting amended version of interconnection agreement; *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER11-2199-000 (Dec. 28, 2010) (accepting original version of interconnection agreement).

Second Amended Agreement, an affiliate of BEC – Bayonne Energy Center III, LLC (“Bayonne III”) – proposed a 49.8 MW energy storage facility (“Bayonne III Facility”) with NYISO Queue Position No. 815 that will use the same Point of Interconnection as the Bayonne I and II Facilities. Specifically, the Bayonne III Facility will also feed energy through the same Developer’s Attachment Facilities and Connecting Transmission Owner’s Attachment Facilities as the Bayonne I and II Facilities and will also interconnect to the New York State Transmission System via Con Edison’s Gowanus 345 kV Substation. The interconnection of the Bayonne III Facility is subject to a Standard Large Generator Interconnection Agreement among the NYISO, Con Edison, and Bayonne III (NYISO OATT Service Agreement No. 2938) that is being filed simultaneously with the filing of the Third Amended Agreement. The NYISO, Con Edison, and BEC agreed to amend the Second Amended Agreement to reflect the shared use of the Attachment Facilities for the Bayonne I and II Facilities and the Bayonne III Facilities.

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

The Third Amended Agreement was fully executed on December 31, 2025, by the NYISO, Con Edison, and BEC. The Third Amended Agreement largely conforms to the language in the Pro Forma LGIA contained in Attachment X of the NYISO OATT with: (i) limited non-conforming exceptions that are described in Part I of this letter and (ii) limited non-conforming exceptions previously accepted by the Commission for prior versions of this agreement. The Joint Filing Parties submit that the changes specified below satisfy the Commission’s standard for variations from the Pro Forma LGIA, because unique circumstances exist that require a non-conforming agreement.<sup>6</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement with the non-conforming changes.

**1. Modifications Required to Reflect Joint Ownership and Use of Attachment Facilities**

As described above, the Bayonne I and II Facilities will share with the Bayonne III Facility the use of certain Attachment Facilities to interconnect these facilities at Con Edison’s Gowanus 345 KV Substation. BEC will enter into a Shared Facilities Agreement with Bayonne and establish a single point of contact – the Bayonne Parties – for purposes of operating and maintaining the Developer’s Attachment Facilities, using the Connecting Transmission Owner’s Attachment Facilities, interfacing with the NYISO and Con Edison concerning the projects’ interconnections, and making required payments under the projects’ interconnection agreements. Accordingly, the parties inserted in Section 5 of Appendix A the details concerning how this Shared Facilities Agreement will interact with the requirements in the Third Amended Agreement. The parties also modified the notice provisions in Article 15 of the Interconnection

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<sup>6</sup> See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh ’g denied*, 112 FERC ¶ 61,282 (2005).

Agreement to reference the use of the Bayonne Parties as the point of contact for the NYISO and Con Edison concerning the Bayonne III Facility and the Bayonne I and II Facilities.

In addition, the parties modified the metering requirements in Article 7.1 of the Third Amended Agreement and inserted certain metering requirements in Section 2(h) of Appendix C to account for both the Bayonne III Facility and the Bayonne I and II Facilities feeding energy into the same Attachment Facilities and interconnecting to the New York State Transmission System at Con Edison's Gowanus 345 kV Substation. The metering will be arranged to separately measure the generation from the Bayonne III Facility and the Bayonne I and II Facilities.

The Standard Large Generator Interconnection Agreement for the Bayonne III Facility will contain the same requirements in its appendices to reflect this shared arrangement, which agreement is being simultaneously filed with the Commission.

The Commission has previously accepted similar changes to NYISO interconnection agreements to reflect such shared facility arrangements.<sup>7</sup>

## **2. Modifications to Address Increase in Energy Resource Interconnection Service Amount**

The parties amended the Second Amended Agreement to reflect an increase to the Energy Resource Interconnection Service ("ERIS") level for the Bayonne I and II Facilities due to updated equipment rating information and software updates for the generating facilities. The increase in ERIS, however, does not increase the baseline ERIS for the facilities that is used to determine whether the requested ERIS increase is permitted under the OATT or would require the submission of a new Interconnection Request.<sup>8</sup> In addition, the increase in ERIS does not modify the facilities' Capacity Resource Interconnection Service ("CRIS") amount that was determined in the Class Year Studies for the Bayonne I and II Facilities.

Accordingly, the parties agreed to detail in Section 2(a) of Appendix C the "baseline ERIS" and CRIS amounts for the Bayonne I and II Facilities. In addition, the parties agreed to revise Section 4.1.1 of the Third Amended Agreement, which establishes that the NYISO will provide ERIS and CRIS for the facilities, to indicate that such ERIS and CRIS is subject to the requirements in Section 2(a) of Appendix C.

The Commission has previously accepted similar changes to NYISO interconnection agreements to account for ERIS and CRIS values.<sup>9</sup>

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<sup>7</sup> See, e.g., *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER21-361-000 (Jan. 7, 2021) (accepting non-conforming revisions to address shared facilities arrangement with other project).

<sup>8</sup> See *id.*

<sup>9</sup> See, e.g., *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER15-1895-000 (July 16, 2015) (accepting non-conforming revisions to address different ERIS and CRIS values for facility).

### 3. Additional Modifications

The NYISO, Con Edison, and BEC have made the following additional modifications to the Original Agreement:

- Updated the description of the ERIS values for the Bayonne I and II Facilities in Appendices A and C, along with inserting an updated temperature curve;
- Removed requirements in Appendices A and C that were included in a prior version of the agreement to address the execution of the earlier version before certain study work was completed;
- Clarified description of existing Attachment Facilities and System Upgrade Facilities in Appendix A;
- Clarified in Appendix A that there are no System Deliverability Upgrades associated with the Bayonne I and II Facilities and removed reference to cost estimates, as the work has been completed under this agreement;
- Updated the one-line diagrams included in Appendix A;
- Replaced milestones for the work associated with the interconnection of the Bayonne II Facility with the statement that the work has been completed and the facility is operational;
- Removed trial operation requirements from Appendix C as the facilities are now in-service;
- Updated the power factor design and operational criteria included in Appendix C to account for new Bayonne III Facility;
- Updated contact information in Appendices E and F;
- Clarified in Appendix G that the construction of the Bayonne I and II Facilities has been completed; and
- Made modifications to reflect that this is the “Third Amended and Restated” Agreement.

## II. Proposed Effective Date and Request for Waiver of the 60-Day Notice Period

The Joint Filing Parties request an effective date of December 31, 2025, for the Third 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 interconnection agreements to become effective upon the date of execution.<sup>10</sup>

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<sup>10</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). *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); *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,

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

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>11</sup> Con Edison requests that the Commission protect from disclosure the following CEII and privileged and confidential material included in the Third Amended Agreement.

First, Con Edison respectfully requests that the one-line diagram included as Figure A-1 in Appendix A of the Third Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>12</sup> The diagram contains detailed, one-line schematics of Con Edison's Gowanus transmission substation that, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. The diagram provides 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 diagram, in Con Edison's assessment, reveals 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 these 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 this schematic reveals CEII, which the Commission has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The diagram has been omitted from the Public version of the Third Amended Agreement included in this filing.

Second, Con Edison also respectfully requests privileged and confidential treatment of its 2017 Accommodation Billing Schedule Rates, which are included as an attachment to the September 22, 2017 Transaction Form between Con Edison and BEC that was included as Attachment G-4 to Appendix G of the Third Amended Agreement. The information included in the 2017 Accommodation Billing Schedule is confidential and commercially sensitive information. Disclosure of this information would cause competitive harm to Con Edison. The

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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>11</sup> 18 C.F.R. §§ 388.112 and 388.113 (2025).

<sup>12</sup> As required by Section 388.113(d)(1)(i) of the Commission's regulations, Con Edison has described in the filing letter how the one-line diagram in Figure A-1 satisfies 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 Third 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 Third 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), Con Edison requests that the Commission designate the CEII material submitted on January 14, 2026, 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.

information is non-public and is exempt from disclosure under the Freedom of Information Act.<sup>13</sup>

The Joint Filing Parties are electronically submitting a non-public version of this filing. The diagram and billing schedule rates are included only in the non-public version of the Third Amended Agreement in the filing. The non-public diagram is marked: “**FIGURE CONTAINS CEII – DO NOT RELEASE PURSUANT TO 18 C.F.R. §§ 388.112 and 388.113.**” The non-public billing schedule rates are marked: “**NON-PUBLIC SUBMISSION; CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION – DO NOT RELEASE.**” The non-public materials should be treated as CEII and privileged and confidential materials 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/PRIV.**”<sup>14</sup> A placeholder has been included in place of the non-public materials in the public version of the Third Amended Agreement.

All communications relating to this request for privileged and confidential treatment should be addressed to Con Edison’s Counsel and its authorized representative listed below.

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<sup>13</sup> 5 U.S.C. 552.

<sup>14</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

**IV. Communications and Correspondence**

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

**For the NYISO<sup>15</sup>**

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**For Con Edison**

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\*Designated to receive service.

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<sup>15</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.

**V. Documents Submitted**

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

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

**VII. Conclusion**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Third Amended Agreement for filing with an effective date of December 31, 2025.

Respectfully submitted,

/s/ Michael J. Messonnier

Michael J. Messonnier Jr.

*Counsel for the*

*New York Independent System Operator, Inc.*

/s/ Paul A. Savage

Paul A. Savage

*Counsel for*

*Consolidated Edison Company of New York, Inc.*

cc: Janel Burdick                      Jaime Knepper  
Emily Chen                              David Morenoff  
James Dawson                         Jason Rhee  
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