

March 20, 2026

By Electronic Delivery

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

Re: Joint Filing of an Amended and Restated Executed Engineering, Procurement, and Construction Agreement for the Excelsior Energy Center Project (Queue Position No. 721) Among the New York Independent System Operator, Inc., Rochester Gas and Electric Corporation, and Excelsior Energy Center, LLC; Request for Waiver of the 60-Day Notice Period; Docket No. ER26-____-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 Rochester Gas and Electric Corporation ("RG&E") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Engineering, Procurement, and Construction Agreement in connection with the Excelsior Energy Center solar project (NYISO Queue Position No. 721) entered into by the NYISO, RG&E, as the Affected System Operator, and Excelsior Energy Center, LLC ("Excelsior"), as the Developer (the "Amended Agreement").³ The Amended Agreement is labeled as Service Agreement No. 2774 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: (i) the changes required to convert this agreement into an engineering, procurement, and construction agreement, which changes were previously accepted by the Commission, and (ii) limited additional revisions for the amended version of the agreement described in Part I below.⁴ Further, as described in Part II of this letter, the Joint Filing Parties

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2026).

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

⁴ Excelsior's Facility participated in the NYISO's Class Year Interconnection Facilities Study for Class Year 2019. Pursuant to the transition rules of the NYISO's new Standard Interconnection Procedures, the NYISO, RG&E, and Excelsior used the Standard Large Generator Interconnection Agreement located in Attachment X to the

respectfully request a waiver of the Commission's prior notice requirements⁵ to make the Amended Agreement effective as of March 6, 2026, which is the date of its full execution.

I. Discussion

A. Background

The Amended Agreement supersedes the Engineering, Procurement, and Construction Agreement among the NYISO, RG&E, and Excelsior that was filed with the Commission in Docket No. ER23-2476-000 on July 24, 2023, and was accepted by the Commission on September 21, 2023 ("Original Agreement").⁶

The Facilities Study for Class Year 2019 identified certain Affected System Upgrade Facilities that are required on the Affected System owned by RG&E—the Affected System Operator—to reliably interconnect the Excelsior Energy Center facility to the New York State Transmission System. Pursuant to Section 30.3.5 of Attachment X of the OATT, the NYISO, RG&E, and Excelsior entered into the Original Agreement to govern the rates, terms, and conditions pursuant to which Excelsior will engineer, procure, and construct the Affected System Upgrade Facilities on RG&E's system ("EPC Services").⁷ As required by Section 30.3.5, the Original Agreement was consistent with the Pro Forma LGIA, as modified to address only the engineering, procurement, and construction of the Affected System Upgrade Facilities.⁸

NYISO OATT for this Class Year 2019 project. NYISO OATT Attach. HH § 40.3.1.2 ("For a Class Year Project for Class Year 2021 or prior Class Years or a Small Generating Facility for which the ISO is negotiating with the Interconnection Customer, Connecting Transmission Owner, Affected System Operator, and/or Affected Transmission Owner, as applicable, an interconnection agreement and/or Engineering, Procurement, or Construction Agreement(s) as of the effective date of the Standard Interconnection Procedures, the parties shall continue to negotiate, as applicable, the Standard Large Generator Interconnection Agreement, Small Generator Interconnection Agreement, and/or Engineering, Procurement, or Construction Agreement pursuant to the terms and forms set forth, as applicable, in Attachment X or Attachment Z to the ISO OATT.")

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

⁶ *New York Independent System Operator and Rochester Gas and Electric Corporation*, Letter Order, Docket No. ER23-2476-000 (Sep. 21, 2023).

⁷ See OATT Section 30.3.5 (" . . . Upon completion of a Class Year Study in which a Developer accepts its Project Cost Allocation for System Upgrade Facilities and/or System Deliverability Upgrades and funds or commits to fund such upgrades as required by Attachment S, the Developer and Affected System Operator(s) will cooperate with the ISO in development of an Engineering, Procurement and Construction to provide for the engineering, procurement and construction of the System Upgrade Facilities and/or System Deliverability Upgrades on the Affected System. The Engineering, Procurement and Construction Agreement shall be consistent with the NYISO's Commission-approved Standard Large Generator Interconnection Agreement located in Appendix 2 to Attachment X of the OATT, modified to address only the engineering, procurement and construction of the System Upgrade Facilities and/or System Deliverability Upgrades. . . .")

⁸ See *id.*

Subsequent to the Commission's acceptance of the Original Agreement, Excelsior and RG&E agreed to modify the allocation of each party's responsibilities for the EPC Services. Accordingly, the parties agreed to amend the Original Agreement to reflect certain changes in the parties' respective responsibilities for carrying out the EPC Services, to modify the scope of the EPC Services, and to update the milestones associated with the EPC Services accordingly. With these modifications, the EPC Agreement continues to be consistent with the Pro Forma LGIA, as modified to address only the engineering, procurement, and construction of the Affected System Upgrade Facilities.

In particular, the parties made the following modifications to the Original Agreement:

- Revised the Recitals to clarify that those portions of the EPC Services that relate to the testing and commissioning of the Affected System Upgrade Facilities will now be performed by the Affected System Operator, rather than by the Developer;
- Revised Articles 4.1 and 4.2 to designate the Affected System Operator as the party responsible for testing the Affected System Upgrade Facilities and for notifying the Developer and Niagara Mohawk Power Corporation, d/b/a National Grid, in advance of its performance of such tests;
- Revised Appendix A to reflect the Developer's and Affected System Operator's updated responsibilities for the EPC Services, to update the description of National Grid's communications system over which certain communications relating the Affected System Upgrade Facilities will be provided, and to reduce the scope of the EPC Services to exclude certain contingent aspects of the EPC Services that the Affected System Operator and the Developer have confirmed are not required to be performed;
- Revised Appendix A to reflect updated milestone dates; and
- Revised the cover page and preamble to provide that the agreement is the 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 March 6, 2026 by the NYISO, RG&E, and Excelsior. Aside from the changes described above, the Amended Agreement does not contain any variations from the Pro Forma LGIA other than those already accepted by the Commission for the Original Agreement. As required by Section 30.3.5 of Attachment X of the NYISO OATT, the Amended Agreement with the additional modifications described above continues to be consistent with the Pro Forma LGIA, as modified to address only the engineering, procurement and construction of the Affected System Upgrade Facilities. 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 March 6, 2026 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.⁹ The Commission has previously permitted such agreements to become effective upon the date of execution.¹⁰

⁹ 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).

¹⁰ *See, e.g., New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER15-2079-000 (Aug. 5, 2015) (accepting the engineering, procurement, and 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 (Apr. 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).

III. Communications and Correspondence

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

For the NYISO¹¹

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

*Ted J. Murphy
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, D.C. 20037
Tel: (202) 955-1500
Fax: (202) 778-2201
tmurphy@hunton.com

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

For Rochester Gas and Electric 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

*Designated to receive service.

¹¹ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2026) to permit service on counsel in both Washington, D.C. and Richmond, VA.

IV. Documents Submitted

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

- A clean version of the Amended Agreement (Attachment I);
- 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 March 6, 2026.

Respectfully submitted,

s/ Sara B. Keegan

Sara B. Keegan
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
Emily Chen
James Dawson
Jignasa Gadani
Leanne Khammal
Jaime Knepper
David Morenoff
Jason Rhee
Douglas Roe