

April 30, 2026

Submitted Electronically

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

**Re: Docket No. ER26-____-000, Long Island Power Authority; Proposed
Tariff Revisions to Establish a Long Island Regulated Transmission
Facilities Charge**

Dear Secretary Reese:

In accordance with Section 31.5.5.4.5 of Attachment Y to its Open Access Transmission Tariff (“OATT”), the New York Independent System Operator, Inc. (“NYISO”),¹ on behalf of the Long Island Power Authority (“LIPA”), hereby submits this request for acceptance by the Federal Energy Regulatory Commission (“FERC” or “Commission”) of revisions to the OATT to incorporate LIPA’s recovery for eligible transmission projects, as a new Attachment 6 to Rate Schedule 10 of the OATT (Section 6.10.12).²

I. List of Documents Submitted

On behalf of LIPA, the NYISO submits the following with this filing letter:

1. A clean version of the proposed revisions to the OATT (“Attachment I”); and

¹ As contemplated by Section 31.5.5.4.5 of Attachment Y to the OATT, because LIPA is a FERC non-jurisdictional utility, the NYISO submits this filing on LIPA’s behalf and solely in its role as administrator of the OATT. The NYISO takes no position on any substantive aspect of this filing at this time. The burden of supporting the proposed tariff amendments rests with LIPA, the sponsoring party. Capitalized terms that are not otherwise defined herein shall have the meaning set forth in the OATT.

² As further discussed in Section II below, the Commission has held that it will apply a “comparability standard,” rather than the standard under Section 205 of the Federal Power Act, when evaluating non-jurisdictional transmission tariffs such as LIPA’s Transmission Service Charge (“TSC”) under Attachment H to the OATT or its Regulated Transmission Facilities Charge (“RTFC”) proposed herein under Rate Schedule 10 to the OATT. *See Central Hudson Gas & Electric Corp. et al*, 88 FERC ¶ 61,138, at 61,403 (1999). *See also New York Independent System Operator, Inc.*, 100 FERC ¶ 61,070 at P 3 (2002) (stating that LIPA’s “transmission tariffs are evaluated under a ‘comparability standard,’ rather than Section 205 of the FPA....”); and *New York Independent System Operator, Inc.*, 111 FERC ¶ 61,366 at P 12 (2005) (stating that LIPA’s TSC rates are also not subject to review under Section 206 of the FPA). At the request of LIPA, the NYISO therefore makes this filing subject to the Commission’s comparability standard.

2. A blacklined version of the proposed revisions to the OATT (“Attachment II”).

II. Background

A. LIPA

LIPA is a corporate municipal instrumentality and political subdivision of the State of New York and was created by the Long Island Power Authority Act.³ Consequently, LIPA is a non-jurisdictional transmitting utility under Section 201(f) of the Federal Power Act.⁴

As contemplated by Section 31.5.5.4.5 of Attachment Y to the OATT, the NYISO, on behalf of LIPA, submits proposed changes to the OATT to establish LIPA’s cost recovery for eligible regulated transmission solutions, or Designated Network Upgrade Facilities associated with the interconnection of a regulated transmission solution, that have been triggered, selected, or approved in accordance with Attachment Y of the OATT.⁵ Cost recovery of such eligible projects will be through a LIPA Regulated Transmission Facilities Charge (“LIPA RTFC”) under Rate Schedule 10 to the OATT.

The Commission has previously recognized the establishment and calculation of rates for use of LIPA’s transmission system are under the jurisdiction of LIPA’s Board of Trustees (“LIPA Board”). The Commission has noted that it “will apply the comparability standard . . . when evaluating non-jurisdictional, so called ‘NJ’ transmission tariffs to assure that the tariff rate is comparable to the rate LIPA charges itself and others.”⁶ The comparability review considers

³ See N.Y. Pub. Auth. Law §§ 1020–1020-ZZ.

⁴ 16 U.S.C. § 824(f) (“No provision in this subchapter shall apply to, or be deemed to include . . . a State or any political subdivision of a State . . . or any agency, authority, or instrumentality of any one or more of the foregoing . . .”). LIPA’s status as a non-jurisdictional utility under FPA, Section 201(f) has been recognized by the Commission. See *Cent. Hudson Gas & Elec. Corp.*, 88 FERC ¶ 61,138 at 61,402-03 (1999).

⁵ Section 31.5.5.4.5.2 of Attachment Y to the OATT states that the cost allocation methodology and rate for a LIPA project that meets a Public Policy Transmission Need and for which the costs may be allocated to market participants outside of the Long Island Transmission District shall be reviewed under the same comparability standard as applied to the review of changes in LIPA’s TSC under Attachment H of the OATT. Section 6.10.5.2.2 of Rate Schedule 10 to the OATT states that the revenue requirement which constitutes costs of an eligible transmission project allocable to Responsible LSEs serving Load outside of the Long Island Transmission District shall be reviewed under the same comparability standard as applied to the review of changes in LIPA’s TSC under Attachment H of the OATT. See *Cent. Hudson Gas & Elec. Corp.*, 88 FERC ¶ 61,138, at 61,403 (1999). See also *N.Y. Indep. Sys. Operator, Inc.*, 100 FERC ¶ 61,070 at P 3 (2002) (stating that LIPA’s “transmission tariffs are evaluated under a ‘comparability standard,’ rather than Section 205 of the FPA....”); *N.Y. Indep. Sys. Operator, Inc.*, 111 FERC ¶ 61,366 (2005) at P 12 (stating that LIPA’s TSC rates are also not subject to review under Section 206 of the FPA). At the request of LIPA, the NYISO therefore makes this filing subject to the Commission’s comparability standard.

⁶ *Cent. Hudson Gas & Elec. Corp.*, 88 FERC ¶ 61,138 at 61,403 (1999).

whether LIPA's use of the bulk transmission system is subject to the same rates as those charged to third parties.⁷

LIPA has informed the NYISO that the proposed LIPA RTFC: (i) applies to all Responsible LSEs associated with an eligible project in accordance with the approved cost allocation methodology for each such project, and (ii) satisfies the Commission's comparability standard. Furthermore, because LIPA is not a "public utility," LIPA has requested that the NYISO inform the Commission that 18 C.F.R. § 35.13 is not applicable with respect to LIPA's proposed establishment of cost recovery for eligible projects under Rate Schedule 10 to the OATT.

B. LIPA Cost Recovery Under Rate Schedule 10

A Transmission Owner that is a Designated Entity for a Designated Public Policy Project or Designated Network Upgrade Facilities that are associated with an interconnection of a Public Policy Transmission Project may recover its costs in accordance with Section 31.5.6 and Rate Schedule 10 of the OATT.⁸ LIPA is currently a Designated Entity with respect to a Designated Public Policy Project associated with the transmission project selected by the NYISO Board of Directors to address the Long Island Offshore Wind Export Public Policy Transmission Need.⁹ Further, LIPA anticipates, in the future, it may be a Designated Entity with respect to other regulated transmission solutions, or Designated Network Upgrade Facilities associated with the interconnection of a regulated transmission solution, that have been triggered, selected, or approved in accordance with Attachment Y of the OATT. Pursuant to Sections 6.10.1.1, 31.5.5.4.5, and 31.5.6.3 of the OATT, LIPA's costs of such regulated transmission solutions and/or associated Designated Network Upgrade Facilities are to be billed and collected through a LIPA RTFC.¹⁰

LIPA is now formalizing the process for billing and collection of the LIPA RTFC for regulated transmission solutions or Designated Network Upgrade Facilities for which it is a Designated Entity. As it relates to the NYISO's Public Policy Transmission Planning Process, the LIPA RTFC applies to: (i) a Designated Public Policy Project that is, or a part of, a Public Policy Transmission Project selected in accordance with Section 31.4.8.3 of the OATT and for which LIPA is a Designated Entity; (ii) Designated Network Upgrade Facilities associated with a Public Policy Transmission Project selected in accordance with Section 31.4.8.3 of the OATT for which LIPA is responsible for constructing, financing, owning, and maintaining in accordance

⁷ *N.Y. Indep. Sys. Operator, Inc.*, 100 FERC ¶ 61,070 at P 9 (2002); and *N.Y. Indep. Sys. Operator, Inc.*, 111 FERC ¶ 61,136 at P 12 (2005).

⁸ See NYISO OATT, Attachment Y, Section 31.5.5.3.

⁹ *NYISO Board of Directors' Decision on Approval of Long Island Offshore Wind Export Public Policy Transmission Planning Report and Selection of Public Policy Transmission Project*, Appendix P (June 13, 2023), <https://www.nyiso.com/documents/20142/38391083/Long-Island-Offshore-Wind-Export-Public-Policy-Transmission-Planning-Appendices-2023-6-13.pdf>.

¹⁰ See NYISO OATT, Rate Schedule 10, Sections 6.10.1.1 and 6.10.5; and NYISO OATT, Attachment Y, Sections 31.5.5.4.5 and 31.5.6.3.

with Section 22.9.6 of the OATT; and (iii) any Public Policy Transmission Project proposed by LIPA, as a Developer, in response to a request by the New York State Public Service Commission or LIPA in accordance with Section 31.4.3.2 of the OATT, as applicable (together, “LIPA Designated Projects”). The initial proposed implementation of the LIPA RTFC addresses LIPA’s Designated Public Policy Project that is a part of the Public Policy Transmission Project selected by the NYISO Board of Directors to address the Long Island Offshore Wind Export Public Policy Transmission Need.

III. Description of LIPA’s Proposed Tariff Revisions

The proposed Attachment 6 to Rate Schedule 10 (Section 6.10.12) addresses derivation and recovery of the costs for eligible transmission projects through the LIPA RTFC. Eligible LIPA projects will incur costs included in the calculated annual transmission revenue requirement and LIPA will have the ability to separately specify the annual transmission revenue requirement (“ATRR”) for each respective project recovered under Rate Schedule 10. The proposed Attachment 6 to Rate Schedule 10 of the OATT will initially apply to only costs of the “LIPA Long Island PPTN Project Facilities.”

On an annual basis, the separate annual revenue requirement for each eligible project will be derived from the LIPA Board-approved formula rate and billed to the responsible load serving entities outside of the Long Island Transmission District by the NYISO. The NYISO, on behalf of LIPA, will annually submit an informational filing to the Commission updating the revenue requirement for each eligible project based on the formula rate approved by the LIPA Board. The formula rate template and implementation protocols will be available on LIPA’s website. The implementation protocols provide for a public input process that includes notice of the applicable ATRR, an information request window, challenge period and, if necessary, dispute resolution procedures.

The formula rate will calculate an ATRR for eligible transmission projects applicable to a given rate year (*i.e.*, July 1 of a given calendar year through June 30 of the succeeding calendar year). The ATRR values for eligible transmission projects will be updated on an annual basis through an informational filing which will be filed with the Commission on or prior to June 30.

The proposed cost allocation for each eligible project will be specified in Section 6.10.12.3. For the Long Island PPTN Project Facilities, the default load ratio share cost allocation methodology applies. Accordingly, eligible costs for the Long Island PPTN Project Facilities will be allocated volumetrically, based on Actual Energy Withdrawals by all Load Serving Entities, but excluding Withdrawal Billing Units for Exports and Wheels Through. This same cost allocation has already been approved by the Commission for other entities developing aspects of the transmission upgrades selected by the NYISO Board of Directors in response to the Long Island Offshore Wind Export Public Policy Transmission Need.¹¹ Pursuant to Rate Schedule 10 of the OATT, LIPA’s costs for the LIPA Long Island PPTN Project Facilities will

¹¹ See, *e.g.*, *New York Transco, LLC*, 185 FERC ¶ 61,222 (2023); *Consol. Edison Co. of N.Y., Inc.*, 185 FERC ¶ 61,091 (2023); and *New York Power Auth.*, 190 FERC ¶ 61,073 (2025).

be recovered through NYISO invoicing of the associated LIPA RTFC to responsible Load Serving Entities, including Load Serving Entities serving load within Load Zone K (Long Island).

IV. Effective Date

At the request of LIPA, the NYISO respectfully requests that the tariff revisions proposed in this filing become effective on June 30, 2026.

V. Correspondence

Please direct all communications and service in this proceeding to:

For the NYISO:

Robert E. Fernandez, Executive Vice President, General Counsel & Chief Compliance Officer

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*Designated for receipt of service.

VI. Service

A complete copy of this filing will be posted on the NYISO's website at www.nyiso.com. On behalf of LIPA, the NYISO will send an electronic link to this filing to the official representative of each of its customers, and each participant on its stakeholder committees. The NYISO will also send, on behalf of LIPA, an electronic copy of this filing to the New York State Public Service Commission and the New Jersey Board of Public Utilities.

VII. Conclusion

For the foregoing reasons, the NYISO, on behalf of LIPA, respectfully requests that the Commission accept the proposed tariff changes identified in this filing to become effective on June 30, 2026.

Respectfully submitted,

/s/ Garrett E. Bissell

Garrett E. Bissell, Assistant General Counsel
New York Independent System Operator, Inc.

cc: Janel Burdick
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