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By Electronic Delivery

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

Re: *Consolidated Edison Company of New York, Inc.*
Docket No. ER26-____-000

Dear Secretary Reese:

Pursuant to Section 205 of the Federal Power Act¹ and section 35.13 of the Commission's regulations,² Consolidated Edison Company of New York, Inc. ("Con Edison") hereby files the Third Amended and Composite Agreement between Con Edison and the New York Power Authority ("NYPA") for the Operation and Maintenance of the Facilities Associated with Astoria Annex Substation 345kV Gas-Insulated Substation, dated as of December 2025 (the "Restated Agreement"). The Restated Agreement replaces and supersedes the Second Amended and Composite Agreement between Con Edison and NYPA for the Operation and Maintenance of the Facilities Associated With Astoria Annex Substation 345kV Gas-Insulated Substation, dated June 12, 2014.³

¹ 16 U.S.C. § 824d (2024).

² 18 C.F.R. § 35.13 (2025).

³ On March 25, 2015, Commission staff accepted the Second Amended and Composite Agreement for filing via delegated order. See *Consolidated Edison Co. of N.Y.*, Docket No. ER14-1750-001 (Mar. 25, 2015) (delegated order).

As discussed below, the Restated Agreement contains material that constitutes Critical Energy Infrastructure Information ("CEII"), which should be protected from disclosure. Accordingly, this filing consists of the following documents:

- This transmittal letter;
- Restated Agreement - Non-Public Version (Attachment A1 and A2);
- Restated Agreement- Public Version (Attachment B) and
- Redlined Restated Agreement - Public (Attachment C)
- Signature pages from the Restated Agreement (Attachment D)

I. BACKGROUND

Con Edison is a public utility located in New York State and is subject to the Commission's jurisdiction. As relevant to this filing, Con Edison owns the Astoria complex, located in the City of New York. Sited on that complex are certain transmission facilities that are owned by Con Edison and certain electric generating and transmission facilities that are owned separately by third parties. NYPA owns the Annex Substation, which was constructed within the Astoria complex pursuant to an easement grant from Con Edison.

NYPA is a corporate municipal instrumentality and a political subdivision of the State of New York ("State"), organized under the laws of the State, and operating pursuant to Title 1 of Article 5 of the New York Public Authorities Law. In 2011, NYPA constructed the Annex Substation on the Astoria complex, in response to a request by Astoria Energy II LLC ("Astoria Energy"), to interconnect Astoria Energy's proposed generating facility with transmission lines owned by NYPA.

The Annex Substation utilizes gas insulated technology because of space limitations and the substation's high operating voltage. NYPA continues to own the Annex Substation. Con Edison has operated and maintained the Annex Substation since its commercial operation.

The Restated Agreement is needed because of the interconnection of the Champlain Hudson Power Express ("CHPE") project into the Astoria Annex, which necessitated, among other things, the addition of equipment not covered by the prior agreement. Prior to the addition of this equipment, NYPA and Con Edison agreed that Con Edison would continue to operate and maintain the Annex Substation on NYPA's behalf, in accordance with the negotiated terms and conditions of the Restated Agreement.

II. THE AGREEMENT

The terms and conditions of the Operations and Maintenance (“O&M”) service, as set forth in the Restated Agreement, were negotiated and agreed to by NYPA and Con Edison. The following is a summary of the major terms and conditions of the Restated Agreement:

- Section 2.1: The term shall remain in effect for the remainder of the existing twenty (20) year term from February 1, 2011, until January 31, 2031, and NYPA shall have the option of an additional 2-year extension.
- Section 2.1, Exhibit A-2: Inclusion of “Additional Equipment” from the CHPE Project as part of Con Edison’s O&M Services.
- Sections 3.1.3 and 3.1.4: NYPA has the responsibility for managing compliance with the North American Electric Reliability Corporation (“NERC”) Reliability Standards until Con Edison performs the test or analysis required by the individual reliability standards. After Con Edison performs the test or analysis, Con Edison shall be responsible for the specific NERC standard tested or analyzed.
- Section 3.1.7: Increase in Critical Infrastructure Protection (“CIP”) Security Designation from Low to Medium due to the Additional Equipment.
- Section 3.4: NYPA shall obtain all necessary permits, licenses and approvals that are necessary for the operation and maintenance of the substation.
- Section 4.2.9: Revised to provide Con Edison with sole and absolute discretion over its preventative maintenance procedures.
- Sections 4.2.10 and 18.1: NYPA shall obtain and pay for insurance associated with the O&M activities.
- Section 4.3.1: In the event of a conflict between Con Edison’s operating and maintenance standards and NYPA’s standards that are contained in Exhibit C, NYPA’s requirements control. In the event of a conflict between Con Edison’s preventative maintenance procedures and NYPA’s standards that are contained in Exhibit C, Con Edison’s procedures control.
- Section 4.3.4: Con Edison shall perform specified work prior to acceptance of the O&M responsibility, such as facility inspections, acceptance of the facility, and review of engineering documents and drawings.
- Sections 4.3.5 and 4.4.1: Con Edison shall operate, monitor, inspect, and perform ordinary preventative and corrective maintenance, testing and protective system operations assessments. However, Con Edison shall not be responsible for any operation, monitoring,

inspection, preventative or correction maintenance, testing or protective system operation assessment relating to construction defects of the Annex Substation.

- Section 4.3.6: Con Edison may subcontract any part of the O&M services without NYPA's consent, with the exception of the portion of O&M services that involves operation of certain equipment, in which case NYPA's prior written approval is required.
- Section 4.3.8: Con Edison shall operate and maintain NYPA's existing data and control remote terminal units ("RTUs"). CHPE is installing a partial interim equipment modification in order for the existing RTU to comply with the CHPE interconnection agreement (the "Partial Interim RTU Modification"). NYPA shall be solely responsible for the acceptance, operation, and maintenance of the Partial Interim RTU Modification. (Within 18 months of the execution of the Agreement, NYPA shall use best efforts to complete the RTU replacement.).
- Section 4.4.4: NYPA shall perform the maintenance and calibration of the revenue meters and telemetry equipment.
- Section 4.4.6: NYPA shall procure and stock all spare parts.
- Sections 6.1 and 6.2: NYPA shall reimburse Con Edison for all costs and expenses associated with the O&M services.
- Article 9: NYPA shall establish a Disbursement Account in the amount of \$340,000 for Con Edison to draw from if NYPA fails to pay invoices timely.
- Section 14.1: NYPA shall be responsible, at its cost, for any construction, modification or alteration necessary for the Annex Substation to comply with any future legal requirement.

III. WAIVER REQUESTS

A. Request for Waiver of the Prior Notice Requirement

The proposed effective date for the Restated Agreement is one day after the date of this filing, i.e., August 21, 2026. Con Edison requests that the Commission waive the 60 day Prior Notice requirement with respect to the Restated Agreement to the extent of allowing it to become effective on that date.⁴

⁴ The Commission requires prior notice for agreements (tariffs, service agreements, contracts) to be filed and posted, generally within 30 days after service begins for service agreements, or up to 120 days before for construction-related agreements. 18 C.F.R. § 35.3.

Con Edison submits that good cause exists to grant Con Edison's request for waiver of the prior notice requirement and that no party will be prejudiced if the Commission grants the requested waiver. Con Edison initially undertook the O&M Service in support of the interconnection of Astoria Energy's 650 MW generator to the Annex Substation. The need for the Restated Agreement arose with the interconnection of the CHPE Project into the Annex Substation. Because Con Edison had substantial experience with gas-insulated equipment, and this substation specifically, and as an accommodation to NYPA, Con Edison agreed to continue to operate and maintain the Annex Substation.

The compensation that NYPA pays to Con Edison is limited to reimbursement of Con Edison's costs:

The Power Authority will reimburse Con Edison for all costs and expenses associated with its O&M Services, including, but not limited to, its Preparatory Work and Scope of Work and related services, equipment, materials, expenses, and any work, services, or materials that Con Edison provides in an emergency.⁵

Thus, Con Edison is merely made whole for its costs and does not profit from the O&M Service.

The reimbursement for Con Edison's service is based on Con Edison's Accommodation Services charges.⁶ Those charges are formulated in accordance with Con Edison's New York Public Service Commission ("NYPSC") tariff.⁷ Con Edison assesses those charges to its retail customers for services that they request beyond those that are provided to all customers under the NYPSC tariff. In addition, the Commission has repeatedly approved the application of Con Edison's Accommodation Services rates to various Commission-jurisdictional services that Con Edison has performed for electric generators, other transmission owners, and transmission customers.⁸

The foregoing considerations establish good cause for waiver of the Prior Notice requirement in accordance with 18 C.F.R. § 35.11. Granting the requested waiver would not affect

⁵ Sections 6.1 of the Original Agreement and the Restated Agreement (emphasis added).

⁶ *Id.*

⁷ *Id.* Sections 6.2 of the Original Agreement and Restated Agreement describe the formulation of the labor component of the Accommodation Services charge.

⁸ *Consol. Edison Co. of N.Y., Inc.*, Docket No. ER09-786-000, (Apr. 8, 2009) (Letter Order) (applying Con Edison's accommodation services rates to services under a generic Accommodation Services Tariff); *Consol. Edison Co. of N.Y., Inc.*, 107 FERC ¶ 61,103 (2004) (applying accommodation services rates to technical support provided for a generation-project developer (Interconnection Agreement, Annex IV filed in Docket No. ER04-934)); *Consol. Edison Co. of N.Y., Inc.*, Docket No. ER08-799-000 (Nov. 19, 2008) (Letter Order) (applying accommodation services rates to services provided to a project developer pursuant to an Engineering and Procurement Agreement under the NYISO OATT); *Consol. Edison Co. of N.Y., Inc.*, Docket No. ER08-895-000 (Oct. 24, 2008) (Letter Order) (applying accommodation services rates as compensation for cost of a customer-requested transmission system enhancement).

other persons because NYPA is the only customer under the Restated Agreement, and the agreement is sui generis.

B. Request for Waiver of Requirements of Section 35.13

This filing does not create any new rates or increase Con Edison's net revenues. Accordingly, the filing should not be treated as a rate schedule change other than a rate increase under 18 C.F.R. § 35.13(a)(2)(iii). No costs reflected in the proposed rates have been alleged or judged in any administrative proceeding to be illegal, duplicative or unnecessary costs that are demonstrably the result of discriminatory practices. On the contrary, the proposed rate formulation has been accepted and applied repeatedly by both the Commission and the NYPSC. Accordingly, Con Edison requests any waivers necessary to make the filed agreements effective without modification.

IV. REQUEST FOR CRITICAL ENERGY INFRASTRUCTURE INFORMATION ("CEII") TREATMENT

Con Edison requests that the Commission treat the material contained in Exhibits A, D, E, and F, and Appendices A, B, C, D-1, and D-2 as CEII under section 388.113 of the Commission's regulations.⁹ The disclosure of this information could be useful to a person seeking to disable the power grid and would thus pose a threat to the reliability of the New York State bulk power system and to the health and safety of New York residents.

In addition, Con Edison requests Exhibit C and Appendix E be treated as confidential and proprietary information of either Con Edison or NYPA. These exhibits and appendix contain confidential and proprietary information that is not publicly available. Such information includes detailed operational requirements and cost reimbursement schedules. Public disclosure would harm the commercial interests of the parties involved by revealing non-public business practices and requirements. Accordingly, Con Edison respectfully requests that this information be withheld from public disclosure consistent with the Commission's regulations.

⁹ 18 C.F.R. § 388.113 (2025).

V. COMMUNICATIONS AND SERVICE

All communications relating to this request for CEII treatment and any questions or other communications regarding this filing should be addressed to the following:

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VI. SERVICE

Con Edison has served a copy of this filing on NYPA, the NYPSC, and the New York Independent System Operator, Inc.

VII. CONCLUSION

For the reasons discussed above, Con Edison requests that the Commission accept the enclosed agreement for filing, and allow the agreement to become effective on August 21, 2026.

Respectfully submitted,

/s/ Paul A. Savage
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Attachments