

of the Interconnection System Reliability Impact Study for the project.”³ A project that fails to satisfy the regulatory milestone within this period “will be deemed to be withdrawn in accordance with Section 30.3.6 of the Large Facility Interconnection Procedures (“LFIP”) contained in Attachment X.”⁴

Under the NYISO’s OATT, Large Facilities such as the Crown City Wind Energy Project are required to enter a Class Year Interconnection Facilities Study (“Class Year Study”). A project becomes eligible to enter a Class Year Study when it has satisfied the two developmental milestones identified in Attachment S of the OATT. As described in the waiver request, the Crown City Wind Energy Project satisfied one of its two milestones by securing Operating Committee approval of its Interconnection System Reliability Impact Study. The Interconnection System Reliability Impact Study for the Crown City Project was approved by the NYISO’s Operating Committee on October 7, 2010. Therefore, TCI was required to complete its second milestone – the regulatory milestone required by Attachment S, Section 25.6.2.3.1.1⁵ – by October 7, 2012 in order to remain in the NYISO interconnection queue and be eligible to enter into a Class Year.⁶

TCI, however, failed to complete the regulatory milestone by October 7, 2012. NYISO issued a withdrawal notice to TCI on October 11, 2012 pursuant to Section 325.6.2.3.2 deeming

³ See Section 25.6.2.3.2 of Attachment S to the OATT. While TCI provides incorrect citations to the relevant section of Attachment S, these appear to be mere typographical errors, as it is clear from the context of TCI’s waiver request that the section for which it is requesting a waiver is 25.6.2.3.2 of Attachment S.

⁴ See *Id.*

⁵ TCI asserts that the two-year timeline expired October 9, 2012 because October 7, 2012 was a Sunday and October 8, 2012 was a federal holiday.

⁶ With respect to TCI’s representation that the next Class Year will not form “until March 1, 2013, at the earliest,” the NYISO provides the following clarification: Under the NYISO’s current OATT, the next Class Year would start on March 1, 2013; however, NYISO’s stakeholders recently approved proposed revisions to the NYISO’s OATT that would provide for a later start date for the Class Year subsequent to Class Year 2012. The NYISO will file these proposed tariff revisions with the Commission shortly.

the project withdrawn in accordance with Section 30.3.6 of Attachment X. Under Section 30.3.6 of the LFIP, the Project has fifteen business days from receipt of the withdrawal letter “to either respond with information or actions that cure the deficiency or to notify the NYISO of its intent to pursue Dispute Resolution.” The NYISO received no notice within this fifteen day cure period -- that expired on November 1, 2012 -- curing the deficiency. By letter dated November 5, 2012, the NYISO advised TCI that the Crown City Wind Farm had been withdrawn from the NYISO interconnection queue.⁷

II. Motion to Intervene

The NYISO is the independent body responsible for providing open access transmission service, maintaining reliability, and administering competitive wholesale markets for electricity, capacity, and ancillary services in New York State. Additionally, the NYISO administers the interconnection process pursuant to its Commission-approved tariffs. In this proceeding, TCI is requesting waiver of a requirement of the interconnection process established by the NYISO OATT. The NYISO, therefore, has a unique interest in this proceeding that cannot be adequately represented by any other entity and, therefore, should be permitted to intervene with all the rights of a party.

III. Comments

The NYISO takes no position on the merits of TCI’s request for a waiver, but notes that the Crown City Wind Farm is free to submit a new Interconnection Request in the event the Commission does not grant the requested waiver. In addition, the NYISO respectfully requests

⁷ The withdrawal of the Q276 Crown City Wind Farm from the interconnection queue will be reflected on the public queue posted on the NYISO website in the next regularly scheduled update to the queue posting in early December 2012.

that the Commission address the following in any Order granting the County's requested relief in order for the NYISO to properly implement any relief the Commission may order.

The NYISO understands TCI's request as requesting (1) that the tariff-mandated deadline for meeting the regulatory milestone not apply to the Crown City Wind Farm; (2) that the Crown City Wind Farm be provided a forty-five (45) day extension within which to complete the regulatory milestone required by Section 25.6.2.3.1.1 of Attachment S -- until December 17, 2012 (forty-five (45) days from November 1, 2012 expiration of the cure period for the withdrawal letter the NYISO issued on October 11, 2012); and (3) that upon satisfaction of the Section 25.6.2.3.1.1 milestone within this extended time period, NYISO reinstate the Crown City Wind Farm in the NYISO interconnection queue. Should the Commission grant TCI's request, the NYISO requests that such Order clarify whether the extension until December 17, 2012 is the maximum time permitted for TCI to satisfy the regulatory milestone or whether the fifteen (15) business day cure period provided in Section 30.3.6 of Attachment X will apply to further extend the requested extension in the event the Crown City Wind Farm is unable to satisfy the requisite milestone by December 17, 2012.

Furthermore, the NYISO is concerned that a waiver in this proceeding may raise questions regarding the applicability of the same regulatory milestone requirement to other projects.⁸ This is particularly true given that this is a substantive milestone reflecting the progress of the project, rather than an administrative deadline.

⁸ As the Commission emphasized in one of the few instances in which it has granted a waiver of tariff-mandated deadlines in the NYISO's interconnection procedures, "we emphasize the importance of meeting [] deadlines and note that in the future, we expect parties to arrange for [compliance with such deadlines] to be submitted in sufficient time to meet the requirements of their tariffs." See *Innovative Energy Systems, LLC*, 131 FERC ¶ 61,066 (2010) (waiver of developer's obligation as a Class Year 2008 project to submit a security deposit to its Connecting Transmission Owner within a date prescribed by Attachment S).

IV. Communications and Correspondence

All communications and service with regard to this filing should be directed to:

Robert E. Fernandez, General Counsel
Raymond Stalter, Director of Regulatory Affairs
Karen Georgenson Gach, Deputy General Counsel
Sara B. Keegan, Senior Attorney*
New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144
Tel: (518) 356-8554
Fax: (518) 356-7678

* Persons designated for receipt of service.

V. Conclusion

WHEREFORE, for the foregoing reasons, the NYISO respectfully requests that the Commission (i) grant this motion to intervene, and (ii) consider these comments in making its decision on the TCI's request.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan
Senior Attorney
New York Independent System Operator, Inc.

November 21, 2012