

July 8, 2013

**By Electronic Delivery**

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street N.E.  
Washington, D.C. 20426

**Re: Filing of an Executed Second Amended and Restated Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., the New York Power Authority, and Marble River, LCC; and Request for Waiver of the 60 Day Notice Period; Docket No:**

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Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act,<sup>1</sup> Section 35.12 of the Commission's regulations,<sup>2</sup> and Section 30.11.3 of its Large Facility Interconnection Procedures,<sup>3</sup> the New York Independent System Operator, Inc. ("NYISO") and the New York Power Authority ("NYPA") (collectively, the "Joint Filing Parties") hereby tender for filing an executed Second Amended and Restated Large Generator Interconnection Agreement ("Second Amended Agreement") as Service Agreement No. 1774 among the NYISO, NYPA as the Transmission Owner, and Marble River, LLC ("Marble River") as the Developer (collectively, the "Parties").<sup>4</sup> As described below, the Second Amended Agreement supersedes the Large Generator Interconnection Agreement among the Parties accepted by the Commission on July 25, 2012, in Docket No. ER12-2098-000. The Joint Filing Parties respectfully request waiver of the Commission's 60-day notice requirement to make the Second Amended Agreement effective as of June 19, 2013, the date the Second Amended Agreement was executed.

## I. Background

The Joint Filing Parties initially filed a Large Generator Interconnection

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. § 35.12.

<sup>3</sup> The NYISO's Large Facility Interconnection Procedures are set forth in Attachment X of its Open Access Transmission Tariff ("OATT").

<sup>4</sup> Capitalized terms not otherwise defined in this letter have the meaning set forth in Attachments S, X and Z of the NYISO's OATT.

Agreement as Service Agreement No. 1774 (“Original Agreement”) in Docket No. ER11-4056-000 on July 15, 2011, to interconnect Marble River’s 216.3 MW wind generating facility (“Facility”) to the New York State Transmission System for Energy Resource Interconnection Service.<sup>5</sup> The Original Agreement closely tracked the NYISO’s *pro forma* Large Generator Interconnection Agreement (“LGIA”), but included certain non-conforming provisions to reflect the following circumstances specific to the project: (1) NYPA’s unique legal status as a power authority governed under New York’s Power Authority Act, (2) the unique existence of “common” System Upgrade Facilities shared by Marble River and certain other Class Year 2006 Developers, and (3) necessary ministerial revisions. The Commission accepted the Original Agreement on September 2, 2011, with an effective date of June 29, 2011.<sup>6</sup>

On June 25, 2012, the Joint Filing Parties filed an amended version of the Original Agreement (“Amended Agreement”) in Docket No. ER12-2098-000 to address an adjustment in the type of turbines for the Facility and a reduction in the number of turbines.<sup>7</sup> The NYISO determined that these changes were not Material Modifications. The Parties modified the Original Agreement to: (i) amend the description of the required equipment and technical specifications in Appendices A and C, (ii) update the milestones in Appendix B, (iii) update NYPA’s contact information in Appendices E and F, and (iv) revise the cover page and effective date of the agreement. The Commission accepted the Amended Agreement on July 25, 2012, with an effective date of June 13, 2012.<sup>8</sup>

## II. Description of Changes

Since the filing of the Amended Agreement, Marble River has identified a small number of updates to the figures, milestones, and contact information in the appendices of the Amended Agreement. The Joint Filing Parties have agreed to these changes and to revise the Amended Agreement to reflect these updates. The Joint Filing Parties, therefore, submit this Second Amended Agreement to reflect these modifications to the Amended Agreement. In addition, the NYISO recently filed, and the Commission accepted, revisions to its interconnection procedures in Attachments S, X, and Z of its

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<sup>5</sup> *New York Independent System Operator, Inc. and New York Power Authority*, Filing of an Executed Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., the New York Power Authority and Marble River, LLC and Request for Waiver of the 60-Day Notice Period, Docket No. ER11-4056-000 (July 15, 2011).

<sup>6</sup> *New York Independent System Operator, Inc. and New York Power Authority* Letter Order, Docket No. ER11-4056-000 (September 2, 2011).

<sup>7</sup> *New York Independent System Operator, Inc. and New York Power Authority*, Filing of an Executed Amended and Restated Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., the New York Power Authority and Marble River, LLC and Request for Waiver of the 60-Day Notice Period, Docket No. ER12-2098-000 (June 25, 2012).

<sup>8</sup> *New York Independent System Operator, Inc. and New York Power Authority*, Letter Order, Docket No. ER12-2098-000 (July 25, 2012).

Open Access Transmission Tariff to improve its interconnection study process, address extensions of a project's Commercial Operations Date, and make a number of other clarifying and ministerial revisions.<sup>9</sup> These revisions included a small number of changes to the NYISO's *pro forma* LGIA.

The Second Amended Agreement modifies the Amended Agreement as follows to insert Marble River's updates to the appendices and to incorporate the NYISO's recent revisions to the *pro forma* LGIA:

- The body of the Second Amended Agreement reflects the following modifications to the body of the Amended Agreement:
  - (1) a new effective date – the date of execution of the Second Amended Agreement;
  - (2) changes to reflect that the updated version is the “Second Amended and Restated” version of the LGIA; and
  - (3) changes to incorporate the NYISO's recent modifications to its *pro forma* LGIA, including: (i) revisions to the definitions in Article 1 to incorporate the terms “Distribution System” and “Distribution Upgrades,” (ii) revisions to Section 5.11 to clarify the information that the Connecting Transmission Owner is required to provide the Developer regarding the Connecting Transmission Owner's Attachment Facilities, (iii) revisions to Section 9.6.3 to correct an outdated NERC criterion reference, and (iv) additional ministerial revisions.
- Appendix A includes revisions to Figures 2, 2A, and 2B to reflect the “as-built” status of the NYPA switching station and the Marble River substation, including specifying in the figures the location of certain easements on Marble River's land for NYPA owned switching station facilities and for NYPA's access to its switching station facilities.
- Appendix B reflects updated dates in the Milestone table; and
- Appendix F reflects updated contact information for Marble River.

The blacklined version attached to this filing shows all of these changes that were

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<sup>9</sup> See, e.g., *New York Independent System Operator, Inc.*, 142 FERC ¶ 61,113 (February 15, 2013) (accepting interconnection process improvements to NYISO OATT Attachments S, X, and Z, subject to certain modifications); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER13-588-001 and 002 (April 1, 2013) (accepting tariff revisions to interconnection process to comply with February 15, 2013, order).

made to the currently effective Amended Agreement. The Parties respectfully request that the Commission accept this Second Amended Agreement.

### **III. Proposed Effective Date and Request for Waiver of 60-Day Notice**

The Joint Filing Parties request an effective date of June 19, 2013 for the Second Amended Agreement, which is the date of execution. The Commission has allowed interconnection agreements to become effective on the date of execution, even when that date predates the date that the interconnection agreement is filed.<sup>10</sup> Accordingly, the Joint Filing Parties request that the Commission grant a waiver of its prior notice requirements to the extent necessary to accommodate this requested effective date.

### **IV. Document Submitted**

The NYISO submits the following documents:

1. this filing letter;
2. a clean version of the Second Amended Agreement (Attachment I);
3. a blackline version showing the changes between the Amended Agreement and the Second Amended Agreement (Attachment II); and
4. a graphic showing the original signatures obtained for the Second Amended Agreement (Attachment III).

### **V. Copies of Correspondence**

Copies of correspondence concerning this filing should be served on:

#### **For the NYISO**

Robert E. Fernandez, General Counsel  
Raymond Stalter, Director of Regulatory Affairs  
\* Sara B. Keegan, Senior Attorney

\*Ted J. Murphy  
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<sup>10</sup> See, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket Nos. ER09-159-000 and 001 (December 11, 2008); *New York Independent System Operator, Inc. and Niagara Mohawk Power Corp.*, Letter Order, Docket No. ER08-985-000 (June 26, 2008).

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\* -- Persons designated for service.

## **VI. Service List**

This filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com). In addition, the NYISO will e-mail an electronic link to this filing to the official representative of each party to this proceeding, to each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities.

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<sup>11</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2011) to permit service on counsel for the NYISO in both Washington, D.C. and Richmond, VA.

## **VII. Conclusion**

WHEREFORE, for the foregoing reasons, the New York Independent System Operator, Inc. respectfully requests that the Commission accept the attached Second Amended Agreement effective as of June 19, 2013.

Respectfully submitted,

/s/

Sara B. Keegan

Counsel for

New York Independent System Operator, Inc.

/s/

Andrew F. Neuman

Special Counsel

New York Power Authority