

July 12, 2016

**By Electronic Delivery**

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Filing of an Executed Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., the New York Power Authority, and Jericho Rise Wind Farm LLC; Request for Waiver of the 60-Day Notice Period; Docket No. ER16-\_\_\_\_-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act<sup>1</sup> and Section 35.12 of the Commission's regulations,<sup>2</sup> the New York Independent System Operator, Inc. ("NYISO") and the New York Power Authority ("NYPA") (together, the "Joint Filing Parties") hereby tender for filing an executed Large Generator Interconnection Agreement entered into by the NYISO, NYPA, as the Connecting Transmission Owner, and Jericho Rise Wind Farm LLC ("Jericho Rise"), as the Developer (the "Jericho Rise Agreement").<sup>3</sup> The Jericho Rise Agreement is labeled as Service Agreement No. 2276 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Jericho Rise Agreement for filing. With the limited exceptions described in Part I of this letter, the Jericho Rise Agreement conforms to the NYISO's *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") that is contained in Attachment X to the OATT. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver of the Commission's prior notice requirements<sup>4</sup> to make the Jericho Rise Agreement effective as of June 29, 2016, which is the date of its execution.

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<sup>1</sup> 16 U.S.C. § 824d (2014).

<sup>2</sup> 18 C.F.R. § 35.12 (2014).

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

<sup>4</sup> See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified*, 65 FERC ¶ 61,081 (1993).

## **I. Discussion**

### **A. Background**

Jericho Rise is constructing a 77.7 MW wind farm that will be located in Franklin County, New York (“Facility”). The Facility will consist of thirty-seven Gamesa G114 2.1 MW turbines. Additional details regarding the Facility can be found in Appendix C of the Jericho Rise Agreement.

The Facility will interconnect to certain transmission facilities of NYPA that are part of the New York State Transmission System. The Point of Interconnection will be at the existing 115 kV Willis Substation between the existing 115 kV Breaker 1108 and new 115 kV Breaker 1114. Figure A-1 of Appendix A of the Jericho Rise Agreement provides a one-line diagram showing the Point of Interconnection.

### **B. The Jericho Rise Agreement Closely Conforms to the Pro Forma LGIA Contained in Attachment X of the NYISO OATT**

The Jericho Rise Agreement was executed on June 29, 2016, by the NYISO, NYPA, and Jericho Rise. The Jericho Rise Agreement closely follows the language in the Pro Forma LGIA contained in Attachment X of the NYISO OATT. However, the Jericho Rise Agreement does contain limited variations from the Pro Forma LGIA that are described in this Part I.B. These variations are necessary because of: (i) NYPA’s unique legal status as a public authority governed under the New York Public Authorities Law, and (ii) the unique circumstances of Jericho Rise’s project. The Joint Filing Parties submit that these changes specified below satisfy the Commission’s standard for variations from the Pro Forma LGIA, because unique circumstances exist that require a non-conforming agreement.<sup>5</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept the Jericho Rise Agreement with these limited non-conforming changes.

#### **1. Variations to Reflect NYPA’s Unique Legal Status**

##### **(a) Modifications to Ensure Compliance with New York’s Labor Laws**

Section 5.2 of the Pro Forma LGIA lists the general conditions applicable to the Developer’s Option to Build. The parties have agreed to amend this list of conditions by adding a statement that the Developer must comply with Section 220 of New York’s labor law, which requires that for work performed on NYPA’s existing facilities, workman, laborers, and mechanics must be paid at least the prevailing wage set forth in that statute. Section 220 also

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<sup>5</sup> See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh’g denied*, 112 FERC ¶ 61,282 (2005).

addresses pay supplements, work hours, and payroll findings. The Commission has previously accepted this change to the Pro Forma LGIA.<sup>6</sup>

### **(b) Modification to Address NYPA's Eminent Domain Authority**

NYPA is a corporate municipal instrumentality and a political subdivision of the State of New York, organized under the laws of New York, and operating pursuant to Title 1 of Article 5 of the New York Public Authorities Law ("PAL"). Under Section 1007 of the PAL, NYPA has the right to take real property through eminent domain when the NYPA Trustees, in their discretion, deem an eminent domain taking necessary or convenient to acquire real property for the purposes described in this statute. The parties have agreed to modify Section 5.13 of the Jericho Rise Agreement to make it clear that NYPA can only use efforts to acquire property by eminent domain if and to the extent consistent with New York law (*i.e.*, PAL Section 1007). NYPA must retain the right to have its Trustees review, on a case-by-case basis, each request for NYPA to exercise its power of eminent domain and to exercise their discretion to approve or deny such request, consistent with the requirements of New York law. The Commission has previously accepted this change to the Pro Forma LGIA.<sup>7</sup>

## **2. Modifications to Address Execution of Jericho Rise Interconnection Agreement Prior to Completion of Class Year Study**

Jericho Rise has elected to seek both Energy Resource Interconnection Service and Capacity Resources Interconnection Service ("CRIS"). Jericho Rise is participating in the ongoing Class Year 2015 Interconnection Facilities Study ("Class Year Study"). The Jericho Rise Interconnection Agreement was executed prior to the completion of the Class Year Study, which includes the evaluation of deliverability that determines eligibility for CRIS. Accordingly, the parties have modified Section 4.1.1 of the Jericho Rise Agreement to provide that the NYISO's provision of CRIS is subject to the requirements in Section 6 of Appendix A to the Jericho Rise Agreement. This provision provides that Jericho Rise may not supply Unforced Capacity to the New York Control Area from the Facility until it has complied with the deliverability requirements set forth in Attachment S of the OATT, including acceptance of any cost allocation for System Deliverability Upgrades and the posting of associated security or payments. The Commission has previously accepted this change to the Pro Forma LGIA.<sup>8</sup>

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<sup>6</sup> See, e.g., *New York Independent System Operator, Inc. and New York Power Authority*, Letter Order, Docket No. ER15-1895-000 (July 16, 2015) (accepting NYPA-related revisions); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2654-000 (February 9, 2011); *New York Independent System Operator, Inc. and New York Power Authority*, Letter Order, Docket No. ER08-1507-000 (November 4, 2008).

<sup>7</sup> See *id.*

<sup>8</sup> See, e.g., *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2199-000 (December 28, 2010) (accepting revisions to CRIS requirements in Pro Forma LGIA to reflect the timing of the execution of the interconnection agreement).

## **II. Proposed Effective Date and Request for Wavier of the 60-Day Notice Period**

The Joint Filing Parties request an effective date of June 29, 2016, for the Jericho Rise Agreement, which is the date of its execution. The Joint Filing Parties respectfully request that the Commission waive its prior notice requirement to permit the requested effective date. The Commission has previously permitted interconnection agreements to become effective upon the date of execution.<sup>9</sup>

## **III. Communications and Correspondence**

Communications regarding this filing should be directed to:

### **For the NYISO<sup>10</sup>**

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### **For NYPA:**

Justin E. Driscoll, General Counsel  
\*Andrew F. Neuman, Assistant General Counsel

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<sup>9</sup> See, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Docket No. ER11-2953-000 (April 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).

<sup>10</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2014) to permit service on counsel in both Washington, D.C. and Richmond, VA.

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\*Designated to receive service.

#### **IV. Documents Submitted**

The NYISO submits the following documents with this filing letter:

- a clean version of the Jericho Rise Agreement (Attachment I);
- a blacklined version of the Jericho Rise Agreement showing the changes from the body of the Pro Forma LGIA (Attachment II); and
- the signature pages for the Jericho Rise Agreement (Attachment III).

#### **V. Service**

The NYISO will send an electronic link to this filing to the official representative of 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. In addition, a complete copy of the Public documents included with this filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com).

#### **VI. Conclusion**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Jericho Rise Agreement for filing with an effective date of June 29, 2016.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

Counsel for the

New York Independent System Operator, Inc.

/s/ Andrew F. Neuman

Andrew F. Neuman

Assistant General Counsel

New York Power Authority