

May 30, 2012

By Electronic Delivery

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

**CONTAINS CRITICAL ENERGY
INFRASTRUCTURE INFORMATION**

Re: Filing of an Executed Amended and Restated Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, and Nine Mile Point Nuclear Station, LLC, and Requests for Critical Energy Infrastructure Information Designation and for Waiver of 60-Day Notice Period; Docket No. ER12-____-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act,¹ Section 35.12 of the Commission's regulations,² and Section 30.11.3 of the New York Independent System Operator, Inc.'s ("NYISO's") Standard Large Facility Interconnection Procedures,³ the NYISO, Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid"), and New York State Electric & Gas Corporation ("NYSEG") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Standard Large Generator Interconnection Agreement ("Amended Agreement") as Service Agreement No. 1757 under the NYISO Open Access Transmission Tariff ("OATT"). The Amended Agreement has been entered into by and among the NYISO, National Grid and NYSEG as the Connecting Transmission Owners, and Nine Mile Point Nuclear Station, LLC ("Nine Mile"), as the Developer.

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver of the Commission's prior notice requirements to make the Amended Agreement effective as of May 14, 2012.

¹ 16 U.S.C. § 824d (2008).

² 18 C.F.R. § 35.12 (2009).

³ NYISO OATT Attachment X § 30.11.3.

I. Background

The Amended Agreement supersedes a Large Generator Interconnection Agreement (“LGIA”) executed on September 8, 2011, by the NYISO, National Grid, NYSEG, and Nine Mile (collectively, the “Parties”) that was filed in Docket No. ER11-4621-000 as Service Agreement No. 1757 (“Original Agreement”). The Original Agreement was accepted by the Commission on November 4, 2011, effective September 8, 2011.

The Original Agreement accepted by the Commission provided for an uprate to the existing Nine Mile Point Unit 2 nuclear generating facility located in Oswego, New York (“Existing Nine Mile Facility”). The Original Agreement provided that Nine Mile would expand the capacity of the Existing Nine Mile Facility by 168 MW through an uprate project (“Expansion Project”) for a combined capacity of 1380 MW. Further, the Original Agreement provided for a “phasing” of the Expansion Project in that the Large Generating Facility was expected to operate at 1327 MW beginning in June 2012 and at its total capacity of 1380 MW beginning in June 2014.

The Original Agreement contained non-conforming provisions to recognize the unique circumstances associated with the conversion of the three-party Pro Forma LGIA into a fourparty agreement to accommodate two Connecting Transmission Owners, and to recognize the unique characteristics of this nuclear generating facility.

II. Discussion of Changes

Since the filing of the Original Agreement, Nine Mile has advanced the milestones related to the Expansion Project such that the Large Generating Facility will have a capacity of 1380 MW beginning in June 2012. This alleviates the need for a two-phased approach as anticipated by the Original Agreement. The Joint Filing Parties therefore submit this Amended Agreement to reflect the modifications to the Original Agreement.

Specifically, the Amended Agreement modifies the Original Agreement as follows:

- The body of the Amended Agreement reflects the following ministerial modifications to the body of the Original Agreement: (1) a new effective date; (2) changes to reflect that this is an “Amended and Restated” Interconnection Agreement; (3) updated page references in the Table of Contents; and (4) changes to reflect the updated title of the NYISO signatory;
- Appendix A reflects an alternative model number for the revenue meters that are part of the Developer’s Attachment Facilities for the Expansion Project because the affected parties have agreed to use the next generation of meter, which provides improved accuracy and communications capability;
- The one-line diagram at Figure A-1 has been modified in that a footer has been added to clearly indicate that it is Critical Energy Infrastructure Information (“CEII”);

- Appendix B reflects updated dates in the Milestone table;
- Appendix C reflects the following modifications: (1) deletion of language regarding the anticipated phasing of the Expansion Project between June 2012 and June 2014; (2) revisions to recognize the completion of certain engineering and procurement work; the termination of the Engineering, Procurement & Construction Services Agreement (“EPC Agreement”), and reductions to Nine Mile’s security posting and payment obligations that resulted from termination of the EPC Agreement; (3) revisions to recognize the cancellation of the interconnection agreement among National Grid, NYSEG and Nine Mile that preceded the Original Agreement, the cancellation of such prior agreement having been accepted by the Commission in Docket No. ER11-4714 since the filing of the Original Agreement.

The blacklined Amended Agreement attached to this filing shows all of these changes that were made to the currently effective Original Agreement. The Parties respectfully request that the Commission accept this Amended Agreement.

III. Proposed Effective Date and Request for Waiver of Notice Requirement

The Joint Filing Parties request May 14, 2012, as the effective date for the Amended Agreement, which is the date of execution. The Joint Filing Parties respectfully request that the Commission waive the prior notice requirement in order to permit the requested effective date. The Commission has previously permitted interconnection agreements to become effective upon the date of execution.⁴

IV. Request for CEII Treatment

Pursuant to the Commission’s regulations at 18 C.F.R. §388.112 and 18 C.F.R. § 388.113, National Grid, with the concurrence of the other Parties, requests that the one-line diagram designated as Figure A-1 in Appendix A of the Amended Agreement be protected from disclosure as CEII. This one-line diagram contains detailed, one-line schematics of transmission lines, the Scriba Substation, and the Large Generating Facility that, if disclosed, could pose a threat to the reliability of the New York State bulk power system and to the health and safety of New York residents. National Grid represents that the one-line diagram meets the definition of CEII set forth in 18 C.F.R. § 388.113(c) because (i) it includes detailed information regarding the physical attributes of the bulk power system; (ii) it contains data that, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system; (iii) it contains information exempt from mandatory public disclosure under 5 U.S.C. § 552(b)(7)(F) because its

⁴ 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).

disclosure could endanger the life or physical safety of New York residents;⁵ and (iv) it provides more than simply the general location of critical infrastructure. Moreover, the Commission has determined that CEII is exempt from the mandatory public disclosure requirements of the Freedom of Information Act ("FOIA") under the exemption 5 U.S.C. 552(b)(7)(F).⁶ This material has been omitted from the Public version of the Amended Agreement included in this filing. The material is included only in the CEII version of the Amended Agreement in the filing.

All communications related to this request for CEII treatment should be addressed to the following:

William Malee
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V. Communications and Correspondence

The following persons should be included in the official service list in this proceeding and all communications concerning this filing should be addressed to them:

For the NYISO

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* - Designated to receive service.

⁵ FERC has indicated that CEII is exempt from mandatory disclosure under exemption 7(F) of FOIA. 5 U.S.C. § 552(b)(7)(F). *See, e.g., In re Baumgardner*, 122 FERC ¶ 62,068 (Jan. 25, 2008); *In re Kritikson*, 122 FERC ¶ 62,020 (Jan. 11, 2008); *In re Hala Ballouz*, 119 FERC ¶ 62,204 (June 8, 2007).

⁶ *See id.*

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VI. Documents Submitted

The Joint Filing Parties submit the following documents:

- This filing letter;
- A clean Public version of the Amended Agreement (Attachment I);
- A blacklined Public version of the Amended Agreement showing the changes between the Original Agreement and the Amended Agreement (Attachment II); and
- A clean CEII version of the Amended Agreement (“Attachment III”).

VII. 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.

VIII. Conclusion

For the foregoing reasons, the Joint Filing Parties respectfully request that the Commission accept this Amended Agreement for filing with an effective date of April [insert], 2012.

Respectfully submitted,

/s/ Sara B. Keegan

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New York Independent System Operator, Inc.

/s/ Amanda C. Downey

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/s/ Jeffrey R. Clark

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