

December 18, 2018

By Electronic Delivery

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

Re: Filing of an Executed Small Generator Interconnection Agreement Among the New York Independent System Operator, Inc., Long Island Lighting Company d/b/a LIPA, and Riverhead Solar Farm, LLC; Request for Waiver of the 60-Day Notice Period; Docket No. ER19-____-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act¹ and Section 35.13 of the Commission's regulations,² the New York Independent System Operator, Inc. ("NYISO") hereby tenders for filing an executed Small Generator Interconnection Agreement (the "Interconnection Agreement") entered into by the NYISO, Long Island Lighting Company d/b/a LIPA ("LIPA") a wholly owned subsidiary of the Long Island Power Authority ("Authority"),³ as the Connecting Transmission Owner, and Riverhead Solar Farm, LLC ("Riverhead"), as the Interconnection Customer (collectively, the "Parties").⁴ The Authority and LIPA join in this filing.⁵ The Interconnection Agreement is labeled as Service Agreement No. 2436 under the NYISO's Open Access Transmission Tariff ("OATT").

¹ 16 U.S.C. § 824d (2012).

² 18 C.F.R. § 35.13 (2017).

³ The Interconnection Agreement was executed by and is being administered by Long Island Electric Utility Servco LLC on behalf of LIPA, as LIPA's agent.

⁴ 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.

⁵ The Authority is a corporate municipal instrumentality and a political subdivision of the State of New York. Both the Authority and its operating subsidiary, LIPA, are non-jurisdictional municipal utilities pursuant to Section 201(f) of the Federal Power Act. *See New York Independent System Operator, Inc.*, 111 FERC ¶ 61,266 (2005).

The NYISO respectfully requests that the Commission accept the Interconnection Agreement for filing. With limited non-conforming exceptions, the justifications for which are described in Part I of this letter, the Interconnection Agreement conforms to the NYISO's *pro forma* Small Generator Interconnection Agreement ("Pro Forma SGIA") that is contained in Attachment Z to the OATT. Further, as described in Part II of this letter, the NYISO respectfully requests a waiver of the Commission's prior notice requirements⁶ to make the Interconnection Agreement effective as of November 29, 2018, which is the date of its full execution.

I. Discussion

A. Background

Riverhead is constructing a solar facility in Suffolk County, New York ("Facility"). The Facility will consist of seven photovoltaic arrays, with a total output of 20 MW. Additional details regarding the Facility can be found in Attachment 2 of the Interconnection Agreement.

The Facility will interconnect to certain facilities of LIPA that are part of the New York State Transmission System. The Point of Interconnection is at the tap off the 138 kV bus located at LIPA's Edwards Avenue Substation after the substation's expansion from a four-breaker ring bus to a five-breaker ring bus as further described in the Interconnection Agreement. Attachment 3 of the Interconnection Agreement includes a one-line diagram showing the Point of Interconnection.

B. The Interconnection Agreement Closely Conforms to the Pro Forma SGIA Contained in Attachment Z of the NYISO OATT

The Interconnection Agreement was executed by the NYISO, LIPA, and Riverhead, with full execution of the Interconnection Agreement on November 29, 2018. The Interconnection Agreement follows the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT with limited exceptions described below. The limited modifications are required to address: (i) LIPA-specific performance requirements for non-synchronous generators; (ii) LIPA's status as a non-jurisdictional municipal entity; and (iii) variations to billing procedures agreed upon by the Parties.

The NYISO submits that the changes specified below satisfy the Commission's standard for variations from the Pro Forma SGIA because unique circumstances exist that require a non-conforming agreement.⁷ Therefore, the NYISO respectfully requests that the Commission accept the Interconnection Agreement with the limited non-conforming changes described below.

⁶ See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, clarified, 65 FERC ¶ 61,081 (1993).

⁷ See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP. 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

1. Modifications to Address LIPA-specific Performance Requirements for Non-synchronous Generators

Article 1.8.1.2 of the Pro Forma SGIA establishes that an Interconnection Customer shall design its non-synchronous generating facility to maintain a composite power delivery at either the range established in Article 1.8.1.2 or a different power factor range established by the Connecting Transmission Owner that applies to all similarly situated non-synchronous generators in its Transmission District. The Pro Forma SGIA therefore specifically provides for a different power factor range established by the Connecting Transmission Owner if the Connecting Transmission Owner requires it and applies that requirement to all similarly situated non-synchronous generators in its Transmission District. LIPA has established performance requirements that apply to all similarly situated non-synchronous generators interconnecting to its transmission system, including reactive power requirements.⁸ Accordingly, the Parties have agreed to modify Article 1.8.1.2 to reference LIPA's performance requirements, which are described in Attachment 5 to the Interconnection Agreement. In addition, the Parties have revised the text in Article 1.8.1.2 that erroneously read "shall by" to read "shall be".

Article 1.5.7 of the Pro Forma SGIA also establishes "frequency ride through" and "voltage ride through" capability requirements for Small Generating Facilities and provides that the requirements be consistent with standards and guidelines applied to all other generating facilities in the Balancing Authority Area on a comparable basis. As described above, LIPA has established performance requirements applicable to non-synchronous generators. Accordingly, the Parties have agreed to modify Article 1.5.7 to reference LIPA's performance requirements, including frequency and voltage ride through requirements, which are described in Attachment 5.

2. Modification to Address LIPA's Status as a Non-Jurisdictional Municipal Utility

The Interconnection Agreement includes limited modifications recognizing LIPA's status as a non-jurisdictional municipal utility pursuant to Section 201(f) of the Federal Power Act ("FPA").⁹ Specifically, Article 3.1 has been modified to delete the words "Connecting Transmission Owner" to reflect that the NYISO (in its role as the jurisdictional public utility) is individually making required filings with the Commission pursuant to the FPA. Article 3.1 has also been modified to clarify that the filing of the Interconnection Agreement with the Commission by the NYISO shall not be construed as a waiver of LIPA's status as a non-jurisdictional municipal utility pursuant to FPA Section 201(f).

In addition, Article 12.12 has been modified, consistent with LIPA's non-jurisdictional status, to reflect that the NYISO may make a unilateral filing with the Commission to modify the Interconnection Agreement under Section 205 of the FPA, and any party may make a unilateral

⁸ LIPA's requirements were included in the document entitled "Performance Requirements for Transmission-Connected Resources Using Non-Synchronous Generation" that was submitted by the NYISO in its April 1, 2017 FERC Form No. 715 submission to the Commission and is available on the NYISO's website.

⁹ 16 U.S.C. § 824(f).

filing with the Commission to modify this Interconnection Agreement under any applicable provision of the FPA.

These modifications do not change the substantive procedures and standards for interconnection. The purpose of these modifications is solely to properly reflect LIPA's nonjurisdictional status. The Commission has previously accepted similar modifications.¹⁰ In addition, the Parties agreed to revise the preamble and the language preceding the signature block on page 34 to reflect the fact that Long Island Electric Utility Servco LLC will be executing the Interconnection Agreement on behalf of LIPA, as LIPA's agent.

3. Modifications Related to Billing and Invoice Procedures

Article 6.1.1 of the Pro Forma SGIA provides that a Connecting Transmission Owner shall bill the applicable Interconnection Customer on a monthly basis, or as otherwise agreed by those Parties, for its design, engineering, construction, and procurement costs. Pursuant to Article 6.1.1, LIPA and Riverhead have agreed to an alternative billing arrangement for project costs. As part of this alternative arrangement, the Parties have agreed to reconcile any difference between estimated and actual costs in a final bill following the Commercial Operations Date. Accordingly, the Parties have agreed to modify Article 6.1.2 of the Interconnection Agreement to clarify that the final bill and accounting will be issued following the Commercial Operations Date.

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

The NYISO requests an effective date of November 29, 2018 for the Interconnection Agreement, which is the date of its full execution. The NYISO respectfully requests 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.¹¹

¹⁰ See, e.g., *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER17-2151-000 (Sept. 8, 2017) (accepting similar revisions to NYISO's *pro forma* LGIA reflecting LIPA's non-jurisdictional status).

¹¹ See, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, 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).

III. Communications and Correspondence

All communications and service in this proceeding should be directed to:

For the NYISO

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IV. Documents Submitted

The NYISO submit the following documents with this filing letter:

- A clean version of the Interconnection Agreement (Attachment I);
- A blacklined version of the Interconnection Agreement showing changes from the Pro Forma SGIA (Attachment II); and
- The signature pages for the Interconnection 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, the documents included with this filing will be posted on the NYISO's website at www.nyiso.com.

¹² 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.

VI. Conclusion

Wherefore, the NYISO respectfully requests that the Commission accept the Interconnection Agreement for filing with an effective date of November 29, 2018.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

Counsel for the

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