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**CONTAINS CRITICAL ENERGY
INFRASTRUCTURE INFORMATION**

By Electronic Delivery

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

Re: Consolidated Edison Company of New York, Inc.
Docket No. ER20-____-000
Filing of Executed Second Amended and Restated Interconnection Agreement by
and between Consolidated Edison Company of New York, Inc. and the Port
Authority of New York and New Jersey and Request for Critical Energy
Infrastructure Information Designation

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act¹ and Part 35 of the Commission's regulations,² Consolidated Edison Company of New York, Inc. ("Con Edison") submits for filing the attached executed Second Amended and Restated Interconnection Agreement by and between Con Edison and the Port Authority of New York and New Jersey ("Port Authority") (the "2020 IA"), designated as Service Agreement No. 1162.

The 2020 IA replaces the Revised and Restated Interconnection Agreement dated January 7, 2008 by and between Con Edison, KIAC Partners, and the Port Authority ("2008 IA"), which was filed with and accepted for filing by the Commission in 2008.³ The expiration date for the

¹ 16 U.S.C. § 824d (2018).

² 18 C.F.R. pt. 35 (2019).

³ The 2008 IA was filed on February 21, 2008 in Docket No. ER08-586-000 and was accepted for filing by letter order issued March 25, 2008. The 2008 IA amended the original Interconnection Agreement dated January 11, 1993

2008 IA was on or about January 31, 2020, and the Port Authority and Con Edison (the “Parties”) desire to restate and extend the Interconnection Customer’s interconnection rights by entering into the 2020 IA.⁴

As described below, the 2020 IA is being filed as a two-party agreement that is largely based on but does not fully conform with the *pro-forma* Large Generator Interconnection Agreement (“LGIA”) contained in the New York Independent System Operator, Inc. (“NYISO”) Open Access Transmission Tariff (“OATT”).

I. EFFECTIVE DATE

Con Edison proposes that the 2020 IA be effective as of February 19, 2020, which is one day after the filing date, and requests that the Commission waive the requirements of Part 35 of its regulations (18 CFR Part 35) to permit that effective date. The amendment to the Original IA will not alter Con Edison’s rates or revenues.

II. THE 2020 INTERCONNECTION AGREEMENT

The 2008 IA provides for the interconnection of the Port Authority’s 138kV radial line and indirectly, the electric generator that KIAC Partners leases and operates at Kennedy Airport, to Con Edison’s Jamaica substation. KIAC Partners leases and operates the generating facility, an approximately 120-megawatt cogeneration facility (the “Generating Facility”), from the Port Authority, the current designated Interconnection Customer. The Generating Facility is connected to a ring bus owned by the Port Authority, and the ring bus is connected to a 138 kV line and associated facilities (the “138kV Line”) owned by the Port Authority. The 138kV Line is connected to Con Edison’s 138kV Jamaica Substation, which is part of its jurisdictional transmission system.

Because the 138kV Line, Ring Bus, and the Generating Facility are existing facilities, the Parties have agreed to certain terms and conditions that, where appropriate, vary from the NYISO’s *pro forma* LGIA. Specifically, the terms relating to the construction, testing and invoicing of a new facility have been deleted for the 2020 IA because they do not apply given that the facilities that are the subject of the 2020 IA already exist. The parties to the 2020 IA are the Port Authority and Con Edison. KIAC is not a party to the 2020 IA because it is not directly connected to a Con Edison transmission facility. However, the provisions in the NYISO’s *pro-forma* LGIA that relate to communications, operations, and maintenance of a generating facility are covered by the 2020 IA because the 2020 IA provides that the Port Authority will cause KIAC to comply with such requirements.⁵ In addition, the 2020 IA gives the Port Authority the unilateral right to assign its rights and obligations under the 2020 IA to KIAC. The provisions in Appendix C of the 2020 IA concerning “Power Factor

by and between Con Edison, KIAC partners and the Port Authority, which was filed on April 12, 1993 in Docket No. ER93-568-000 and was accepted for filing by letter order issued June 12, 1995.

⁴ The Con Edison is continuing to provide interconnection service under the 2008 IA until it is replaced by the 2020 IA.

⁵ For example, see sections 4.1.2.8.1 “Interconnection Customer’s Obligations (communication),” 9.3 “Interconnection Customer’s Obligations (Operations),” 9.5.4 “Voltage Regulation,” 9.5.5 “Primary Frequency Response,” and 9.6.1.2 “Outage Schedules.”

Design” and “Voltage Scheduling” reflect Con Edison’s current requirement that are applied to all proposed generator projects. The obligations contained in the “Ownership and Maintenance provisions of Appendix C are a continuation of the obligations contained in the 2008 IA.

Commission precedent supports acceptance of the 2020 IA that does not include the NYISO as a party in these circumstances. In proceedings on interconnection agreements between Niagara Mohawk and generation subsidiaries of Alliance Energy that were modeled on the NYISO’s *pro-forma* interconnection agreement (“Alliance LGIAs”), the Commission found that NYISO did not need to be a party to the two-party Alliance Energy LGIAs for the following reasons:

[T]hey are not the type of new generator interconnection agreements envisioned by Order No. 2003; rather they are more like after-the-fact interconnection operating agreements that govern the terms, conditions, and rates associated with the continued operation and maintenance of previously constructed facilities built to accommodate the interconnection of the Alliance generators to Niagara Mohawk’s transmission system. Accordingly, we will not require NYISO to be a signatory to these unexecuted IAs.⁶

Like the Alliance LGIAs, the 2020 IA is not a new interconnection agreement of the type envisioned by Order No. 2003. Instead, the 2020 IA governs the terms and conditions associated with the continued operation and maintenance of an existing interconnection consisting of the 138kV Line and an existing generating facility. The 138kV Line and the generating facility were initially interconnected pursuant to a 1993 interconnection agreement and should be similarly treated.⁷

III REQUEST FOR CEII TREATMENT

Pursuant to the Commission’s regulations at 18 C.F.R. §388.112 and 18 C.F.R. § 388.113, Con Edison requests that the one-line diagram included as part of Appendix A to the Agreement (Figure A-1) be protected from disclosure as Critical Energy Infrastructure Information (“CEII”). This one-line diagram contains one-line schematics of transmission lines and the Jamaica Substation which, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. This diagram provides more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, this schematic shows the exact nature, configuration, and specific location of facilities and transmission lines used to maintain the

⁶ *Niagara Mohawk Power Corp. d/b/a National Grid*, 121 FERC ¶ 61,104, at P 22 (2007) (citation omitted).

⁷ Two-party interconnection agreements are also designated as Service Agreements under the NYISO Open Access Transmission Tariff (“OATT”). See e.g., *Consolidated Edison Company of New York, Inc.*, 119 FERC ¶ 61,206 (2007); *Consolidated Edison Company of New York, Inc.*, Docket No. ER09-1515-000 (Sept. 3, 2009) (unpublished letter order); *Niagara Mohawk Power Corp.*, 121 FERC ¶ 61,183 (2007).

reliability of the New York State bulk power system. The drawings reveal critical information related to the facilities and transmission depicted therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of this CEII diagram would pose a threat to the reliability of the New York State bulk power system and to the health and safety of New York residents. Moreover, the information in these schematics contain CEII that FERC has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b) (7) (F). The diagram has been omitted from the public version of the Interconnection Agreement included in this filing. The diagram is included only in the CEII version of the Interconnection Agreement in the filing.

IV COMMUNICATIONS AND CORRESPONDENCE

Communications regarding this filing, including the request for CEII treatment, should be directed to:

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V DOCUMENTS SUBMITTED

This filing consists of the following documents:

- A. the filing letter;
- B. the 2020 IA. public version; and

C. the 2020 IA. non-public version

VI SERVICE

Copies of this filing have been served on KIAC Partners, the Port Authority, and the NYISO.

VII CONCLUSION

Wherefore, Con Edison respectfully requests that the Commission accept the 2020 IA effective as of February 20, 2020.

If any questions arise regarding this filing, please contact me at the above address or phone number.

Respectfully submitted,

/s/ Paul A. Savage

Paul A. Savage
Associate Counsel
Consolidated Edison Company of
New York, Inc

Enclosures

cc: Amy Fisher, Port Authority of New York and New Jersey;
David Lamoreaux, Calpine;
Sara Keegan, New York Independent System Operator