

August 6, 2012

VIA ELECTRONIC FILING

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., New York State Electric & Gas Corporation, and Broome Energy Resources, LLC, and Request for Waiver of the 60-Day Notice Period, Docket No. ER12-____-000

Dear Secretary Bose,

Pursuant to Section 205 of the Federal Power Act¹ and Section 35.12 of the Commission's Regulations,² the New York Independent System Operator, Inc. ("NYISO") and New York State Electric & Gas Corporation ("NYSEG") (the "Joint Filing Parties") respectfully submit for filing an executed Small Generator Interconnection Agreement ("Agreement") as Service Agreement No. 1895, by and among the NYISO, NYSEG as the Transmission Owner, and Broome Energy Resources, LLC ("Broome Energy") as the Interconnection Customer.³ The Joint Filing Parties respectfully request waiver of the Commission's 60-day notice period to make this Agreement effective as of July 26, 2012.

I. Background

The Small Generating Facility that is the subject of this Agreement is a landfill gas-to-energy facility located at the Nanticoke Landfill, 286 Knapp Road, in Binghamton, New York. The Interconnection Customer currently operates the facility at a capacity of 2.4 MW under an agreement with NYSEG that pre-dates the NYISO's interconnection procedures. The Interconnection Customer plans to increase the capacity of the Small Generating Facility to 4.1 MW by changing out and replacing old generating equipment with new models. As shown in

¹ 16 U.S.C. § 824d (2006).

² 18 C.F.R. § 35 (2008).

³ Capitalized terms not otherwise defined in this letter have the meanings set forth in Attachments S, X and Z of the NYISO's Open Access Transmission Tariff ("OATT") and Market Services Tariff.

Attachment 4 to the Agreement, some of this installation work has already occurred, and the balance of the project is expected to be completed in 2013.

The Agreement substantially conforms to the NYISO's *pro forma* SGIA that is contained in Attachment Z of the NYISO OATT. The limited modifications to the *pro forma* SGIA are described in Section II, below. For ease of reference, the Joint Filing Parties have included a blackline of the Agreement against the NYISO's *pro forma* SGIA to highlight these changes. The Joint Filing Parties respectfully request that the Commission accept these limited modifications.

II. Changes from the Pro Forma SGIA

As noted above, the Agreement is based on the NYISO's *pro forma* SGIA; however, the Parties have agreed to make a small number of modifications to the *pro forma* agreement. These modifications are described below and are necessary to reflect unique circumstances surrounding Broome Energy's request for interconnection service (*i.e.*, Energy Resource Interconnection Service only). Specifically, the Agreement modifies the SGIA as follows:

- The body of the Agreement has been modified in Section 1.3.1 to incorporate a reference to Attachment 5 in order to clarify the availability of Capacity Resource Interconnection Service ("CRIS") in light of Broome Energy's election to not have the Small Generating Facility's incremental capacity evaluated for deliverability in the Class Year Facilities Study process.
- Attachment 5 has been modified to reflect that the Small Generating Facility's CRIS value will continue to be limited to 2.1 MW unless and/or until the CRIS value is modified pursuant to the applicable provisions of the NYISO's OATT.

In various orders, the Commission has provided guidance regarding deviations from the applicable standard form of interconnection agreement. Specifically, the Commission has stated that where a case-specific deviation from a *pro forma* interconnection agreement is sought, the filing parties must produce justification explaining what makes the interconnection unique and what operational concerns or other factors necessitate the changes, including reliability concerns, novel legal issues, or other unique circumstances.⁴ In the present case, Broome Energy's election to have the facility studied only for Energy Resource Interconnection Service and not for deliverability in the NYISO interconnection process is a specific circumstance that requires modification of the *pro forma* SGIA.

The Commission has accepted changes to the *pro forma* Interconnection Agreement terms where, as here, there are unique circumstances associated with the interconnection,

⁴ See Order No. 2006 at P 562. See also *Midwest Independent Transmission System Operator, Inc.*, 111 FERC ¶ 61,421 at P 11 (2005) (citing Order No. 2003 at PP 913-15).

including “reliability concerns, novel legal issues or other unique factors.”⁵ In fact, many of the modifications to the *pro forma* SGIA in this Agreement are substantially similar or identical to those previously accepted by the Commission.⁶ The NYISO respectfully requests that the Commission accept these modifications in light of the unique factors as well as the minimal additional revisions to Attachment 5 detailed above.

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

The Joint Filing Parties request an effective date of July 26, 2012 for the Agreement, which is the date of its execution. The Commission has allowed interconnection agreements to become effective on the date of execution, even when that date precedes the date that an interconnection agreement is filed.⁷ 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. Communications and Correspondence

Communications regarding this filing should be directed to:

For the NYISO:

Robert E. Fernandez, General Counsel
Karen Georgenson Gach, Deputy General Counsel
Sara B. Keegan, Senior Attorney*
New York Independent System Operator, Inc.
10 Krey Blvd.
Rensselaer, NY 12144
Tel: (518) 356-6000
Fax: (518) 356-4702
skeegan@nyiso.com

For NYSEG:

Mark Chier, Manager, Programs/Projects*
Electric Transmission Services
New York State Electric & Gas Corporation
18 Link Drive
Binghamton, NY 13902-5224
Tel: (607) 762-8073
Fax: (607) 762-8666
machier@nyseg.com

*Designated to receive service.

⁵ See *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

⁶ The Commission has previously accepted similar non-conforming provisions to *pro forma* interconnection agreements. See, e.g., *New York Independent System Operator, Inc. and Niagara Mohawk Power Corporation d/b/a National Grid, Letter Order*, Docket No. ER11-3788-000 (July 18, 2011) (accepting nearly identical non-conforming provisions to reflect CRIS eligibility).

⁷ 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).

V. Documents Submitted

The NYISO submits the following documents:

1. This filing letter;
2. A clean version of the Agreement (“Attachment I”); and
3. A blacklined version showing the changes from the NYISO’s *pro forma* SGIA (“Attachment II”).

VI. 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 this filing will be posted on the NYISO’s website at www.nyiso.com.

VII. Conclusion

Wherefore, the NYISO respectfully requests that the Commission accept the attached Agreement effective July 26, 2012.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan
Counsel for the
New York Independent System Operator, Inc.

/s/ Jeffrey Clark

Jeffrey Clark
Bond Schoeneck & King, PLLC
Counsel for the
New York State Electric & Gas Corporation