

July 11, 2014

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

**Re: Niagara Mohawk Power Corporation d/b/a National Grid
Docket No. ER14-____-000
Small Generator Interconnection Agreement with
WM Renewable Energy, L.L.C.**

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (“FPA”),¹ and Part 35 of the Federal Energy Regulatory Commission’s (“Commission”) regulations,² Niagara Mohawk Power Corporation d/b/a/ National Grid (“National Grid”) submits a Small Generator Interconnection Agreement (“SGIA”) between National Grid and WM Renewable Energy, L.L.C. (“WM Renewable”). The SGIA is designated as Service Agreement No. 2128 under the New York Independent System Operator, Inc.’s (“NYISO”) Open Access Transmission Tariff (“OATT”), FERC Electric Tariff, Original Volume No. 1.

National Grid requests waiver of the Commission’s prior notice requirement to allow the SGIA to become effective as of the date of execution, *i.e.*, June 2, 2014.

I. Background

National Grid is a public utility subject to the Commission’s jurisdiction that owns transmission facilities located in New York.

WM Renewable owns a landfill gas recovery facility (the “Plant”) installed at the Monroe Livingston landfill, located in the town of Scottsville, Monroe County, New York. On June 16, 1986, Waste Management of North America, then the owner of the landfill, filed a notice in Docket No. QF86-830-000 to self-certify the Plant as a qualifying facility (“QF”). Notices of self-certification of QF status were filed in that docket on December 30, 2004 by Waste Management Renewable Energy, LLC and on July 8, 2005 by WM Renewable.

¹ 16 U.S.C. § 824d.

² 18 C.F.R. Part 35.

The Plant is currently subject to a Small Generator Interconnection Agreement between National Grid and WM Renewable that the Commission accepted for filing effective June 23, 2011.³ National Grid will submit a separate filing to terminate the existing agreement effective June 1, 2014 conditioned upon the acceptance of the 2014 SGIA submitted in this filing.

II. Description of the SGIA and Filing Requirements

Like the currently effective Small Generator Interconnection Agreement between National Grid and WM Renewable, the SGIA contained in this filing generally conforms with the *pro forma* Small Generator Interconnection Agreement set forth in Appendix 9 of Attachment Z to the NYISO OATT, with only minor modifications. Those modifications include the elimination of the NYISO as a party to the agreement and revisions to reflect the fact that the Generating Facility is an existing facility.

The SGIA contained in this filing differs from the currently effective Small Generator Interconnection Agreement in the following respects:

- The introductory provisions and Article 13 of the SGIA (entitled “Notices”) include updated contact information for the National Grid representative.
- The extraneous word “None” has been removed from the titles of Article 4 (entitled “Cost Responsibility for Interconnection Facilities and Distribution Upgrades”) and Article 5 (entitled “Cost Responsibility for Network Upgrades”) of the SGIA.
- Attachment 2 to the SGIA (entitled “Description and Costs of the Small Generating Facility, Interconnection Facilities, and Metering Equipment”) incorporates terms and conditions from a previously expired data services agreement between National Grid and WM Renewable. Attachment 2 also clarifies the ownership of the remote terminal units (RTU) used to remotely collect metering and status data, to perform remote control operations, and to output data required in remote locations. In addition, Attachment 2 clarifies the ownership of the telecommunications hardware and circuit associated with the RTU.
- Attachment 3 to the SGIA (entitled “One-Line Diagram Depicting the Small Generating Facility, Interconnection Facilities, Metering Equipment, and Upgrades”) reflects the use of the defined terms Point of Interconnection and Point of Change in Ownership included in Attachment 2 to the SGIA.
- A number of non-material formatting changes have been made to the SGIA.

³ See Commission letter order, Docket Nos. ER11-4140-000 and ER11-4140-001 (Sept. 21, 2011). The Small Generator Interconnection Agreement is designated as Service Agreement No. 1164 under the NYISO OATT.

The SGIA states that it will become effective upon execution by the National Grid and WM Renewable, subject to acceptance by the Commission.⁴ The SGIA was executed on June 2, 2014.

Pursuant to the Commission's order in *New England Power Company*,⁵ the Commission's standard interconnection rules promulgated in Order No. 2003, and the procedures and agreements related thereto, including the Small Generator Interconnection Procedures set forth in Appendix Z to the NYISO OATT, do not apply in this case. In *New England Power Company*, the Commission held that, where there are no proposed increases in capacity or material modifications of the characteristics of an existing generating facility, Order No. 2003 does not apply to generator interconnection agreements because they are not "new interconnection requests."⁶

The Plant is an existing facility, and there are no proposed increases in capacity or material modifications to the characteristics of the facility. Thus, for the reasons explained in *New England Power Company*, the Commission should also find here that the standard interconnection rules promulgated in Order No. 2003, and the procedures and agreements related thereto, including the NYISO Small Generator Interconnection Procedures, do not apply in this case. Because this interconnection was not processed under the NYISO Small Generator Interconnection Procedures, the NYISO is not a party to the SGIA.

III. Effective Date and Request for Waiver

Pursuant to Section 35.11 of the Commission's regulations,⁷ National Grid respectfully requests waiver of the notice requirement contained in Section 35.3 of the Commission's regulations⁸ to the extent necessary to allow the SGIA to become effective upon the effective date set forth in the agreement, *i.e.*, June 2, 2014.

Good cause exists for the Commission to grant this waiver. The SGIA was executed last month. Granting the waiver will accord with the intent of National Grid and WM Renewable to make the SGIA effective as of June 2, 2014, as stated in the SGIA. Therefore, no prejudice will result to any party from granting the waiver. For these reasons, the Commission should find that good cause exists to grant an effective date of June 2, 2014.

⁴ SGIA, Section 3.1.

⁵ 109 FERC ¶ 61,364 (2004).

⁶ *Id.* at P 13. *See also Jersey Central Power & Light Company*, 110 FERC ¶ 61,273, at P 11 (2005) (stating that "because the revision to the existing interconnection agreement does not 'increase the capacity of a generating unit in the PJM Region,' PJM's interconnection procedures in its OATT . . . do not apply").

⁷ 18 C.F.R. § 35.11.

⁸ 18 C.F.R. § 35.3.

IV. Attachments

In addition to this transmittal letter, this filing includes the SGIA which is provided in Attachment A hereto.

V. Communications and Service

Communications regarding this filing should be addressed to the following individuals, whose names should be entered on the official service list maintained by the Secretary for this proceeding:

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Copies of this filing have been served on WM Renewable, the NYISO, and the New York State Public Service Commission.

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VI. Conclusion

For the reasons stated herein, National Grid respectfully requests that the Commission accept the SGIA effective as of June 2, 2014.

Respectfully submitted,

/s/ Amanda C. Downey

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