

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

New York Independent System Operator, Inc.  
Rochester Gas and Electric Corporation  
Docket No. ER21-2546-000

Issued: September 24, 2021

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Reference: Engineering, Procurement, and Construction Agreement – Service Agreement No. 2635

On July 29, 2021, New York Independent System Operator, Inc. (NYISO) and Rochester Gas and Electric Corporation (RG&E) (together, Joint Filing Parties) filed an executed Engineering, Procurement, and Construction Agreement (EPC Agreement), entered into by NYISO, RG&E, and NextEra Energy Transmission New York, Inc. (NextEra), designated as Service Agreement No. 2635 under NYISO's Open Access Transmission Tariff (OATT).<sup>1</sup> Joint Filing Parties state that the EPC Agreement governs the rates, terms, and conditions regarding the engineering, procurement, and construction of the required Network Upgrade Facilities on RG&E's system for the Empire State Line Proposal 1 project proposed by NextEra (Transmission Project). Joint Filing Parties explain that the EPC Agreement is based on NYISO's *pro forma* Standard Large Generator Interconnection Agreement contained in Attachment X to the OATT, as modified to address the engineering, procurement, and construction of the Network Upgrade Facilities for the Transmission Project. Joint Filing Parties request that the EPC Agreement be accepted effective July 15, 2021.

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Pursuant to the authority delegated to the Director, Division of Electric Power

<sup>1</sup> New York Independent System Operator, Inc., NYISO Agreements, [Agreement No. 2635, Joint EPCA among NYISO, RG&E, NextEra for Empire State Line, 0.0.0.](#)

Regulation – East, under 18 C.F.R. § 375.307, your submittal is accepted for filing, effective July 15, 2021, as requested.<sup>2</sup>

The filing was noticed on July 29, 2021, with comments, interventions, and protests due on or before August 19, 2021. Pursuant to Rule 214 (18 C.F.R. § 385.214), to the extent that any timely filed motions to intervene and any motion to intervene out-of-time were filed before the issuance date of this order, such interventions are granted. Granting late interventions at this stage of the proceeding will not disrupt the proceeding or place additional burdens on existing parties.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification, or any rule, regulation, or practice affecting such rate or service contained in your filing; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Joint Filing Parties.

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Issued by: Kurt M. Longo, Director, Division of Electric Power Regulation – East

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<sup>2</sup> See 18 C.F.R. § 35.3(a)(2) (2020).