

October 22, 2019

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

**Re: Niagara Mohawk Power Corporation
Docket No. ER20-____-000
Filing of Amended Engineering & Procurement Agreement with
Invenergy Wind Development LLC**

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 (“Niagara Mohawk”) submits an amended Engineering & Procurement Agreement (“Amended E&P Agreement”) between Niagara Mohawk and Invenergy Wind Development LLC (“Invenergy”).³ The Amended E&P Agreement is designated as Service Agreement No. 2471 under the New York Independent System Operator, Inc.’s (“NYISO”) Open Access Transmission Tariff (“OATT”).

The Amended Reimbursement Agreement is an undisputed agreement to update the scope of work specified in Exhibit A to the Original E&P Agreement. Niagara Mohawk requests that the Commission accept the Amended E&P Agreement as of October 1, 2019.

I. Background

Niagara Mohawk is a public utility subject to the Commission’s jurisdiction that owns transmission facilities located in New York which have been placed under the operational control of the NYISO.

Invenergy is a Delaware limited liability company having an office and place of business in Chicago, Illinois.

¹ 16 U.S.C. § 824d.

² 18 C.F.R. Part 35.

³ Together, Niagara Mohawk and Invenergy are referred to in the Amended E&P Agreement and in this transmittal letter as the “Parties”. The Amended E&P Agreement amends the original version of that agreement (“Original E&P Agreement”) as discussed below.

Niagara Mohawk and Invenergy entered into the Original E&P Agreement to facilitate the performance of certain engineering and procurement work for certain long-lead items that Invenergy has requested Niagara Mohawk to do to accommodate Invenergy's proposed interconnection of a generating facility to Niagara Mohawk transmission facilities. As relevant here, the Original E&P Agreement includes Exhibit A thereto, entitled "Scope of Company Work".

The Commission accepted the Original E&P Agreement for filing effective June 25, 2019, as requested by the Parties.⁴

II. Amended E&P Agreement

The Parties have revised Exhibit A in the Amended E&P Agreement to state that the procurement activities listed thereunder include: (1) the development of technical documents to solicit bid proposals for the procurement of revenue metering equipment; and (2) the awarding to the selected vendor and placement of an order for such revenue metering equipment.

As is true under the Original E&P Agreement, Niagara Mohawk is performing services at actual cost as set forth in Articles 1.0 and 7.0 of the Amended E&P Agreement. The Commission should find the price of the services to be performed pursuant to the Amended E&P Agreement to be just and reasonable because Niagara Mohawk will perform these services at actual cost.

III. Effective Date

The Commission's regulations require service agreements to be filed not more than 30 days after service under the agreements has commenced.⁵ The Parties intend the Amended E&P Agreement to go into effect as of October 1, 2019, *i.e.*, fewer than 30 days after the date the Amended E&P Agreement is being filed. Therefore, Niagara Mohawk requests that the Commission accept the Amended E&P Agreement effective October 1, 2019.

IV. Documents Enclosed

In addition to this transmittal letter, this filing includes the following documents:

- (1) The Amended E&P Agreement (Service Agreement No. 2471 under the NYISO OATT), provided in clean format (Attachment A);
- (2) A document showing in red-line the differences between the Original E&P Agreement and the Amended E&P Agreement (Attachment B); and
- (3) An agreement between the Parties to revise the Original E&P Agreement as reflected in the Amended E&P Agreement (Attachment C).

⁴ Commission Letter Order, Docket No. ER19-2467-000 (Sept. 11, 2019).

⁵ 18 C.F.R. § 35.3(a)(2).

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 Invenergy, the NYISO, and the New York Public Service Commission.

VI. Conclusion

For the reasons stated herein, Niagara Mohawk respectfully requests that the Commission accept the Amended E&P Agreement effective as of October 1, 2019.

Respectfully submitted,

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