

April 28, 2020

By Electronic Delivery

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

**Re: New York Independent System Operator, Inc., Compliance Filing, Docket
No. ER19-1949-00__**

Dear Secretary Bose:

The New York Independent System Operator, Inc. (“NYISO”) hereby submits revisions to its Open Access Transmission Tariff (“OATT”)¹ related to its compliance with the requirements of Order Nos. 845 and 845-A,² which amended the *pro forma* Large Generator Interconnection Agreement and *pro forma* Large Generator Interconnection Procedures. The proposed revisions in this compliance filing fulfill the directives of the Federal Energy Regulatory Commission (“Commission”) in its February 20, 2020, Order on Compliance (“February 20 Order”) in the above-captioned proceeding.³

This proceeding relates to the NYISO’s compliance with the requirements under Order No. 845. The proposed compliance revisions contained in this filing are those expressly required by the directives of the February 20 Order as well as related non-substantive ministerial revisions.⁴ As described in Part V below, the NYISO respectfully requests that the Commission accept these tariff revisions with an effective date of April 20, 2020, which is effective date of the tariff revisions previously accepted in this proceeding.

¹ Capitalized terms that are not otherwise defined in this filing shall have the meaning specified in Attachment X of the NYISO OATT and, if not defined therein, in Attachment S of the NYISO OATT and Section 1 of the NYISO OATT.

² *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 83 Fed. Reg. 21342 (May 9, 2018), 163 FERC ¶ 61,043 (2018) (“Order No. 845”), *order on clarification and reh’g*, Order No. 845-A, 166 FERC ¶ 61,137 (2019) (“Order No. 845-A”). For convenience, unless otherwise specified, references in this filing to “Order No. 845” encompass Order Nos. 845 and 845-A.

³ *New York Indep. Sys. Operator, Inc.*, Order on Compliance, 170 FERC ¶ 61,117 (2020) (“February 20 Order”).

⁴ In addition to the proposed tariff revisions expressly required by the February 20 Order, this filing includes limited tariff revisions that are non-substantive ministerial revisions in Section 25.1 of Attachment S and Section 30.14 of Attachment X related to the language accepted by the Commission in the February 20 Order. The inclusion of such revisions in this compliance filing is consistent with Commission precedent. *See, e.g., New York Indep. Sys. Operator, Inc.*, 125 FERC ¶ 61,206 (2008), *reh’g*, 127 FERC ¶ 61,042 (2009) (accepting proposed additional tariff to correct drafting errors or ambiguities in a compliance filing).

I. List of Documents Submitted

The NYISO respectfully submits the following documents with this filing letter:

1. A clean version of the proposed revisions to the NYISO's OATT ("Attachment I");⁵ and
2. A blacklined version of the proposed revisions to the NYISO's OATT ("Attachment II").

II. Communications and Correspondence

All communications, pleadings, and orders with respect to this proceeding should be directed to the following individuals:

Robert E. Fernandez, Executive Vice President & General Counsel
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III. Background

On May 22, 2019, the NYISO filed proposed revisions to its Large Facility Interconnection Procedures ("LFIP") and Standard Large Generator Interconnection Agreement ("LGIA") under Attachment X to the OATT, as well as a provision in Attachment S, to comply with the Commission's requirements under Order No. 845.⁶ In the February 20 Order, the

⁵ The NYISO is filing the proposed compliance revisions on tariff section bases that include revisions accepted by the Commission with an effective date of April 20, 2020 in the current proceeding and the revisions accepted by the Commission with an effective date of February 18, 2020 in Docket No. ER20-638-000 to complete the record. *See New York Indep. Sys. Operator, Inc.*, Letter Order, Docket No. ER20-638-000 (January 31, 2020).

⁶ *New York Indep. Sys. Operator, Inc.*, Compliance Filing, Docket No. ER19-1949-000 (May 22, 2019) ("May 22 Compliance Filing").

Commission accepted in large part the NYISO's proposed revisions and requests for independent entity variations. However, the Commission directed the NYISO to make further revisions in a compliance filing within 60 days related to the contingent facilities and provisional interconnection service requirements under Order No. 845.

IV. Compliance Revisions

The NYISO proposes the revisions described below to comply with the directives in the February 20 Order.

A. Contingent Facilities

In response to Order No. 845, the NYISO proposed revisions to Attachment X to the OATT to add a new definition of Contingent Facilities; a new Section 30.3.7 detailing a method for identifying Contingent Facilities in the Class Year Study and the Interconnection Agreement; and a requirement that the NYISO provide, upon the Developer's request, the estimated network upgrade costs and estimated completion date associated with each Contingent Facility when the information is readily available and not commercially sensitive.

In the February 20 Order, the Commission determined that the NYISO's proposed definition of Contingent Facilities, a new Section 30.3.7 of Attachment X that adopts language regarding the need for a method to identify Contingent Facilities, and the proposed revisions related to providing estimated network upgrade costs and estimated in-service dates associated with Contingent Facilities complied with Order No. 845.⁷ The Commission also accepted the NYISO's independent entity variation related to the timing of identifying Contingent Facilities for a given Interconnection Request based on the Class Year Study structure.⁸ However, the Commission directed the NYISO to include in Section 30.3.7 of Attachment X the method that it will use to identify Contingent Facilities, including the technical screens or analyses, as well as the specific thresholds or criteria thereunder.⁹

As explained in the May 22 Compliance Filing, the Class Year Study process is unique to the NYISO because it performs a facilities study for a group of projects that have achieved similar interconnection milestones to determine the cumulative impact of such projects in order to equitably allocate upgrade costs and generate detailed cost estimates that provide reasonable accuracy on upgrade costs. The NYISO proposes to continue its practice of identifying Class Year Projects that have a collective impact that results in shared System Upgrade Facilities or System Deliverability Upgrades.

In response to the Commission's directive in the February 20 Order, the NYISO proposes to specify in Section 30.3.7 of Attachment X the analyses and thresholds that it will use to

⁷ February 20 Order, at P 31.

⁸ *Id.* at P 32.

⁹ *Id.* at P 33.

identify Contingent Facilities¹⁰ for projects undergoing a Class Year Study. The NYISO proposes to use the analyses already conducted in the Class Year Study to identify Contingent Facilities by evaluating the short circuit, thermal, voltage, and stability impact of unbuilt Attachment Facilities and System Upgrade Facilities and/or System Deliverability Upgrades on a project that is currently undergoing study.¹¹ The NYISO will identify as Contingent Facilities those unbuilt Attachment Facilities, System Upgrade Facilities and System Deliverability Upgrades, as applicable, in the Annual Transmission Baseline Assessment (“ATBA”) and Annual Transmission Reliability Assessment (“ATRA”) for which the impact on short circuit, thermal, voltage, or stability exceeds the *de minimis* standards set forth in Section 25.6.2.6.1.1 through Section 25.6.2.6.1.4 of Attachment S.¹² The *de minimis* standards serve as the thresholds that the NYISO will use to identify unbuilt Attachment Facilities and upgrade facilities associated with Class Year Projects, as well as affording a Developer a transparent means to understand why Contingent Facilities were identified for its project.

B. Provisional Interconnection Service

In the May 22 Compliance Filing, the NYISO incorporated the requirements of Order No. 845 for provisional interconnection service with certain requests for independent entity variations. The proposal included definitions for Provisional Interconnection Service and Provisional Large Facility Interconnection Agreement; a new Article 5.9.2 covering provisional interconnection service in the pro forma Large Generator Interconnection Agreement; and replacing the limited operations provision in the LFIP with a provision for provisional interconnection service.

In the February 20 Order, the Commission determined that the NYISO’s proposed definitions related to provisional interconnection service and the additional provisions in the LFIP and LGIA complied with the requirements of Order No. 845.¹³ The Commission also accepted the NYISO’s independent entity variations related to the type of interconnection service that is available to a facility operating under provisional interconnection service due to the NYISO’s current capacity market rules.¹⁴ However, the Commission found that the NYISO’s proposed revisions to Article 5.9.2 of the LGIA failed to replace the bracketed language of the *pro forma* LGIA “specifying the frequency with which NYISO will study and update the

¹⁰ The Commission accepted the NYISO’s definition of Contingent Facilities as “those unbuilt Attachment Facilities and System Upgrade Facilities and/or System Deliverability Upgrades associated with Class Year Projects upon which the Large Facility’s Class Year Project Cost Allocations are dependent, and if delayed or not built, could impact the actual costs of the Large Facility’s Project Cost Allocation for System Upgrade Facilities or System Deliverability Upgrades.” February 20 Order, at P 31.

¹¹ OATT §§ 25.6.2.6.1.1–25.6.2.6.1.4.

¹² The *de minimis* thresholds are as follows: (i) equal to or greater than 100 amperes for short circuit impact; (ii) equal to or greater than 10 megawatts (“MW”) for thermal impact; (iii) equal to or greater than 2% of the voltage drop; and (iv) equal to or greater than 100 amperes of the fault current for the most critical stability test that is causing the need for an upgrade facility.

¹³ February 20 Order, at PP 78–80.

¹⁴ *Id.* at P 78.

maximum output of a generating facility in an interconnection service agreement that includes provisional interconnection service.”¹⁵

To comply with the Commission’s directive, the NYISO proposes to revise the language in Article 5.9.2 of the LGIA, as well as similar language in Section 30.12.3 of Attachment X to the OATT, to specify that the NYISO will study and update the maximum output for a facility’s provisional interconnection service on an annual basis. Additionally, the NYISO proposes to include additional language that it “shall issue the study’s findings in writing to the Developer and Connecting Transmission Owner(s).”

V. Effective Date

The NYISO respectfully requests that the Commission accept the tariff revisions proposed in this compliance filing with an effective date of April 20, 2020. This is the effective date that the Commission accepted in the February 20 Order for the NYISO’s tariff revisions that complied with the requirements of Order No. 845 in its first compliance filing.¹⁶

VI. Service

The NYISO will send an electronic link to this filing to the official representative of each party to this proceeding, 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 the documents included with this filing will be posted on the NYISO’s website at www.nyiso.com.

¹⁵ *Id.* at P 81. Similar language regarding the frequency with which the NYISO will study and update the maximum out of the generating facility was also included in the LFIP in Section 30.12.3 of Attachment X.

¹⁶ *Id.* at P 1.

VII. Conclusion

Wherefore, the NYISO respectfully requests that the Commission accept this compliance filing.

Respectfully submitted,

/s/ Brian R. Hodgdon

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 28th day of April, 2020.

/s/ Mohsana Akter

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