

THIS FILING LETTER DOES NOT CONTAIN ANY CEII. ATTACHMENTS I AND II DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT III INCLUDES A ONE-LINE SCHEMATIC FOR WHICH CEII DESIGNATION IS REQUESTED IN SECTION III BELOW, AND IS SUBMITTED SEPARATELY.

August 14, 2020

By Electronic Delivery

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

Re: Joint Filing of an Executed Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and Eight Point Wind, LLC; Request for Critical Energy Infrastructure Information Designation; and Request for Waiver of the 60-Day Notice Period; Docket No. ER20-____-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act¹ and Section 35.13 of the Commission's regulations,² the New York Independent System Operator, Inc. ("NYISO") and New York State Electric & Gas Corporation ("NYSEG") (together, the "Joint Filing Parties") hereby tender for filing an executed Large Generator Interconnection Agreement entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and Eight Point Wind, LLC ("Eight Point"), as the Developer (the "Interconnection Agreement").³ The Interconnection Agreement is labeled as Service Agreement No. 2452 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing. With the limited exceptions described in Part I of this letter, the Interconnection Agreement conforms to the NYISO's *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") that is contained in Attachment X to the OATT. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2019).

³ Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachments S or X of the NYISO OATT, and if not defined therein, in the NYISO OATT and NYISO Market Administration and Control Area Services Tariff.

waiver of the Commission's prior notice requirements⁴ to make the Interconnection Agreement effective as of July 31, 2020, which is the date of its full execution. Finally, as described in Part III of this letter, NYSEG requests that the one-line diagram included in the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information.

I. DISCUSSION

A. Background

Eight Point is constructing a wind farm located in the towns of West Union and Greenwood in Steuben County, New York (the "Facility"). The Facility will consist of twenty-seven GE 3.43-130 series and four GE 2.3 130 series wind turbine generators, with a total capacity of 101.8 MW. Additional details regarding the Facility can be found in Appendix C of the Interconnection Agreement.

The Facility will interconnect to certain facilities of NYSEG that are part of the New York State Transmission System. The Point of Interconnection is NYSEG's Bennett Substation off of its main 115 kV bus. Appendix A of the Interconnection Agreement includes a one-line diagram showing the Point of Interconnection.

B. The Agreement Closely Conforms to the Pro Forma LGIA Contained in Attachment X of the NYISO OATT

The Interconnection Agreement was fully executed on July 31, 2020 by the NYISO, NYSEG, and Eight Point. The Interconnection Agreement follows the language in the Pro Forma LGIA contained in Attachment X of the NYISO OATT with limited exceptions described below. The Joint Filing Parties submit that the modifications specified below satisfy the Commission's standard for variations from the Pro Forma LGIA, because unique circumstances exist that require a non-conforming agreement.⁵ Therefore, the NYISO respectfully requests that the Commission accept the Interconnection Agreement with the limited non-conforming changes.

1. Modification to Address CRIS Value of the Facility

Eight Point elected to seek both Energy Resources Interconnection Service ("ERIS") and Capacity Resource Interconnection Service ("CRIS") from the NYISO. Eight Point participated in the Class Year Interconnection Facilities Study ("Class Year Study") for Class Year 2017. The Facility as originally proposed and included in the Class Year Study was to consist of thirty-two GE 3.23 MW wind turbines with a total capacity of 101.2. Subsequent to completion of its Facility Study, Eight Point revised the number and type of turbines and the per turbine output of the Facility, with resulting changes to the ERIS value. As a result of the change in the planned

⁴ See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, clarified, 65 FERC ¶ 61,081 (1993).

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

Facility's output from that which was originally proposed, the Facility's ERIS and CRIS values are different. Currently, the ERIS value for the Facility is 101.8 MW, whereas the CRIS value for the Facility is limited to 101.2 MW as originally requested by Eight Point.

The parties, therefore, agreed to amend Section 4.1.1 of the Interconnection Agreement to address this difference. As amended, Section 4.1.1 indicates that the Facility's CRIS is subject to the requirements set forth in Section 2(b) of Appendix C. Section 2(b) provides that the Facility "has a CRIS value as of the Effective Date of 101.2 MW" and states that the "CRIS value will be limited to 101.2 MW, unless it is subsequently increased pursuant to an applicable provision of the NYISO OATT." The Commission has previously accepted this type of change to the Pro Forma LGIA in similar circumstances.⁶

2. Modifications to Address Shared Attachment Facilities

The Facilities Study for the Facility (NYISO Queue No. 422) determined the need to construct a new control house as a Connecting Transmission Owner's Attachment Facility at NYSEG's existing Bennett Substation. The Facilities Study for a subsequent project (NYISO Queue No. 519) determined that this control house is also required for that project, which project may enter into service earlier than the Facility. Eight Point has elected the option to build to construct the Connecting Transmission Owner's Attachment Facilities and Stand-Alone System Upgrade Facilities associated with the Facility pursuant to Article 5.1.3 of the Interconnection Agreement. Article 5.1.3 provides that "if an Attachment Facility . . . is needed for more than one Developer's project, Developer's option to build such facility shall be contingent on the agreement of all other affected Developers." In addition, Article 9.8 of the Pro Forma LGIA establishes rules for developers to agree to use and allocate the costs of shared Attachment Facilities.

Consistent with the requirements in Articles 5.1.3 and 9.8, Eight Point is negotiating an agreement with the developer of the subsequent project concerning their respective responsibilities concerning the construction of the control house and the allocation of related costs. In Section 6 of Appendix A, the Parties describe the requirements for Eight Point to enter into this agreement with the other developer prior to commencing work on the control house. Accordingly, the parties agreed to modify the "Entire Agreement" requirements in Section 29.6 to accommodate the requirements in Section 6 of Appendix A concerning this other agreement. The Commission has previously accepted changes to the Pro Forma LGIA to accommodate required additional agreements.⁷

⁶ See *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER15-1895-000 (July 16, 2015) (accepting modifications to the interconnection agreement to clarify the CRIS value of the Large Generating Facility).

⁷ See, e.g., *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER17-467-000 (January 23, 2017) (accepting revisions to Article 29.6 that addressed requirements for additional agreements in Appendix C of the interconnection agreement); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2199-000 (December 28, 2010) (same).

II. PROPOSED EFFECTIVE DATE AND REQUEST FOR WAIVER OF THE 60-DAY NOTICE PERIOD

The Joint Filing Parties request an effective date of July 31, 2020, for the Interconnection Agreement, which is the date of its full execution. The Joint Filing Parties respectfully request that the Commission waive its prior notice requirement to permit the requested effective date. The Commission has previously permitted interconnection agreements to become effective upon the date of execution.⁸

III. REQUEST FOR CEII TREATMENT

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,⁹ NYSEG requests that that the one-line diagram included in Appendix A of the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").¹⁰ The diagram contains detailed, one-line schematics of NYSEG's facilities that, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. The diagram provides more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, the schematics show the exact nature and specific location of facilities used to maintain the reliability of the New York State bulk power system.

The diagram, in NYSEG's assessment, reveals such critical information related to the facilities depicted therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of the CEII diagram would pose a threat to the reliability of the New York State bulk power system and the health and safety of New York residents. Moreover, the information revealed in this schematic reveals CEII, which the Commission has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The

⁸ See, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation* Letter Order, 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).

⁹ 18 C.F.R. §§ 388.112 and 388.113 (2019).

¹⁰ As required by Section 388.113(d)(1)(i) of the Commission's regulations, NYSEG has described in the filing letter how the one-line diagram in Appendix A of the Interconnection Agreement satisfies the definition of critical energy infrastructure information as that term is defined in Section 388.113(c)(1). In addition, as required by Section 388.113(d)(1)(ii) the cover page of the filing letter and the relevant page of the Interconnection Agreement that contains critical energy infrastructure information is labelled as including CEII and marked DO NOT RELEASE, and a Public and CEII version of the Interconnection Agreement are being filed with this letter. The CEII material is redacted in the Public version. Finally, as required by Section 388.113(d)(1)(i), NYSEG requests that the Commission designate the CEII material submitted on August 14, 2020, with the full five-year CEII designation provided for in Section 388.113(e)(1) as the information provided in the one-line diagrams will continue to satisfy the definition of critical energy infrastructure information for this entire period.

diagrams have been omitted from the Public version of the Interconnection Agreement included in this filing.

The Joint Filing Parties are electronically submitting a non-public version of this filing. The diagram is included only in the non-public version of the Interconnection Agreement in the filing. The non-public diagram is marked: “**FIGURE CONTAINS CEII – DO NOT RELEASE PURSUANT TO 18 C.F.R. §§ 388.112 and 388.113.**” The non-public diagram should be treated as CEII reviewable by Commission Staff. In accordance with the Commission’s April 14, 2017 notice on labeling of non-public information, each page of the non-public version of the filing is marked “**CUI//CEII.**”¹¹ A placeholder has been included in place of the non-public diagram in the public version of the Interconnection Agreement.

All communications relating to this request for privileged and confidential treatment should be addressed to NYSEG’s Counsel listed below.

IV. COMMUNICATIONS AND CORRESPONDENCE

All communications and service in this proceeding should be directed to:

For the NYISO¹²

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¹¹ See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

¹² The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2019) to permit service on counsel in both Washington, D.C. and Richmond, VA.

For New York State Electric & Gas Corporation

Timothy Lynch
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*Designated to receive service.

V. DOCUMENTS SUBMITTED

The Joint Filing Parties submit the following documents with this filing letter:

- A clean Public version of the Interconnection Agreement (Attachment I);
- A blacklined Public version of the Interconnection Agreement showing the changes from the Pro Forma LGIA (Attachment II);
- A clean CEII version of the Interconnection Agreement (Attachment III); and
- The signature pages for the Interconnection Agreement (Attachment IV).

VI. SERVICE

On behalf of the Joint Filing Parties, 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 the documents included with this filing will be posted on the NYISO's website at www.nyiso.com.

VII. CONCLUSION

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing with an effective date of July 31, 2020.

Respectfully submitted,

/s/ Michael J. Messonnier, Jr.
Michael J. Messonnier, Jr.
Hunton Andrews Kurth LLP
*Counsel for the
New York Independent System Operator, Inc.*

/s/ Julie Blindauer
Julie Blindauer
*Counsel for New York State Electric & Gas
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cc: Timothy Lynch, Director—Electric Transmission Services
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