

**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 28, 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 Small Generator Interconnection Agreement Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and Puckett Solar, 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 Act<sup>1</sup> and Section 35.13 of the Commission's regulations,<sup>2</sup> 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 Small Generator Interconnection Agreement entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and Puckett Solar, LLC ("Puckett"), as the Developer (the "Interconnection Agreement").<sup>3</sup> The Interconnection Agreement is labeled as Service Agreement No. 2545 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* Small Generator Interconnection Agreement ("Pro Forma SGIA") that is contained in Attachment Z to the OATT. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. § 35.13 (2019).

<sup>3</sup> Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachment Z of the NYISO OATT, and if not defined therein, in the NYISO OATT and NYISO Market Administration and Control Area Services Tariff.

of the Commission's prior notice requirements<sup>4</sup> to make the Interconnection Agreement effective as of August 18, 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**

Puckett is constructing a 20 MW solar generation facility located in Chenango Forks, New York (the "Facility"). Additional details regarding the Facility can be found in Attachment 2 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 will be located at the tap of the 34.5 kV bus at NYSEG's existing 34.5 kV Chenango Forks substation. Attachment 3 of the Interconnection Agreement includes a one-line diagram showing the Point of Interconnection.

### **B. The Agreement Closely Conforms to the Pro Forma SGIA Contained in Attachment Z of the NYISO OATT**

The Interconnection Agreement was fully executed on August 18, 2020, by the NYISO, NYSEG, and Puckett. The Interconnection Agreement largely conforms to the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT with the limited exceptions described below in this Part I.B. The Joint Filing Parties submit that the changes specified below satisfy the Commission's standard for variations from the Pro Forma SGIA, because unique circumstances exist that require a non-conforming agreement.<sup>5</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement with the limited non-conforming changes.

#### **1. Puckett's Construction of Connecting Transmission Owner's Interconnection Facilities**

Section 1.5.3 of the Pro Forma SGIA provides that the Connecting Transmission Owner shall construct, operate, and maintain its Interconnection Facilities and Upgrades covered by the agreement. NYSEG and Puckett have agreed that Puckett will be responsible for constructing the Connecting Transmission Owner's Interconnection Facilities associated with the Facility. Accordingly, the parties agreed to modify Section 1.5.3 of the Interconnection Agreement to clarify that the Interconnection Customer, Puckett, can construct the Connecting Transmission

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

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

Owner's Interconnection Facilities with the agreement of all parties. The Commission has previously accepted this change to the Pro Forma SGIA.<sup>6</sup>

## **2. Modifications to Address Execution of Interconnection Agreement Prior to Completion of Class Year Study**

Puckett has elected to seek Capacity Resource Interconnection Service ("CRIS") and is participating in the current Class Year Interconnection Facilities Study ("Class Year Study") for Class Year 2019, which is still underway. The Class Year Study determines whether any System Deliverability Upgrades are required for the Facility to be fully deliverable at its requested level of CRIS.

Since the Class Year Study was not completed at the time the parties executed the Interconnection Agreement, the parties modified Section 1.3.1 of the Interconnection Agreement to provide that the NYISO's provision of CRIS is subject to the requirements in Attachment 5 of the Interconnection Agreement. Attachment 5 provides that if any System Deliverability Upgrades for the Facility are identified in the Class Year Study, the parties shall amend the Interconnection Agreement if and after Puckett has accepted its Project Cost Allocation for the Class Year to reflect such facilities. In addition, Attachment 5 provides that Puckett may not supply Unforced Capacity to the New York Control Area from the Facility until it has complied with the deliverability requirements set forth in Attachment S of the OATT, including acceptance of any cost allocation for System Deliverability Upgrades and the posting of associated security or payments. The Commission has previously accepted these types of changes to the NYISO's *pro forma* interconnection agreements where, as here, a developer was participating in a pending Class Year Study at the time the interconnection agreement for its project was executed.<sup>7</sup>

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

The Joint Filing Parties request an effective date of August 18, 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.<sup>8</sup>

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<sup>6</sup> See *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER20-1602-000 (June 18, 2020) (accepting modification to Section 1.5.3 to permit Interconnection Customer to construct Connecting Transmission Owner's Interconnection Facilities); *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER20-1602-000 (June 18, 2020) (same).

<sup>7</sup> See, e.g., *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2199-000 (December 28, 2010) (accepting revisions to CRIS requirements in Pro Forma LGIA to reflect the timing of the execution of the interconnection agreement).

<sup>8</sup> 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*

### **III. REQUEST FOR CEII TREATMENT**

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>9</sup> NYSEG requests that the one-line diagram included in Attachment 3 of the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>10</sup> 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 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."**<sup>11</sup> A placeholder has been included in place of the non-public diagram in the public version of the Interconnection Agreement.

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*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).

<sup>9</sup> 18 C.F.R. §§ 388.112 and 388.113 (2019).

<sup>10</sup> 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 Attachment 3 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 28, 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.

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

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 NYISO<sup>12</sup>**

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<sup>12</sup> 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.

**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 SGIA (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](http://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 August 18, 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 Corporation*

cc: Timothy Lynch, NYSEG Director—Electric Transmission Services

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