

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

October 20, 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 Orangeville Energy Storage LLC; Request for Critical Energy Infrastructure Information Designation; and Request for Waiver of the 60-Day Notice Period; Docket No. ER21-\_\_\_\_-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 Orangeville Energy Storage LLC ("Orangeville"), as the Interconnection Customer (the "Interconnection Agreement").<sup>3</sup> The Interconnection Agreement is labeled as Service Agreement No. 2562 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

---

<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 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.

of the Commission's prior notice requirements<sup>4</sup> to make the Interconnection Agreement effective as of October 6, 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**

Orangeville is constructing a 20 MW energy storage facility located in the Town of Orangeville in Wyoming County, 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 is NYSEG's existing 230 kV Stony Creek Substation. Attachment 3 of the Interconnection Agreement includes a one-line diagram showing the Point of Interconnection.

The Point of Interconnection for the Facility is also used by the existing Stony Creek Energy Wind facility ("Stony Creek Wind Facility") owned and operated by Stony Creek Energy LLC ("Stony Creek"). The Stony Creek Wind Facility is subject to a conforming interconnection agreement among the NYISO, NYSEG, and Stony Creek (*i.e.*, NYISO OATT Service Agreement No. 1894). The Stony Creek Wind Facility feeds power to the Orangeville Energy Collector Substation, which equipment are the Developer's Attachment Facilities up to the Point of Change of Ownership with NYSEG. The power is then fed through the Connecting Transmission Owner's Attachment Facilities to the Point of Interconnection for the New York State Transmission System at NYSEG's adjacent Stony Creek Substation.

Orangeville will own and operate the Facility in accordance with this Interconnection Agreement among the NYISO, NYSEG, and Orangeville. The Facility will also feed power through the Developer's Attachment Facilities (called Interconnection Customer's Interconnection Facilities in the Interconnection Agreement)<sup>5</sup> at the Orangeville Energy Collector Substation and will also interconnect to the New York State Transmission System via Connecting Transmission Owner's Attachment Facilities (called Connecting Transmission

---

<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> The Stony Creek Wind Facility is a Large Generating Facility. The NYISO's Standard Large Facility Interconnection Procedures in Attachment X of the NYISO OATT use the terms "Attachment Facilities," "Developer's Attachment Facilities," and "Connecting Transmission Owner's Attachment Facilities" in the context of a Large Generating Facility, while the Standard Small Generator Interconnection Procedures in Attachment Z of the OATT use the terms "Interconnection Facilities," "Interconnection Customer's Interconnection Facilities," and "Connecting Transmission Owner's Interconnection Facilities" to describe the same facilities in the context of a Small Generating Facility.

Owner's Interconnection Facilities in the Interconnection Agreement) at NYSEG's existing, adjacent Stony Creek Substation.

Orangeville and Stony Creek will jointly own, operate, and maintain the Developer's Attachment Facilities and jointly use the Connecting Transmission Owner's Attachment Facilities pursuant to a common facilities agreement by and among the two parties entitled the Assignment, Co-Tenancy, and Shared Facilities Agreement (or a similar title), which agreement will be filed with the Commission for its acceptance. Pursuant to this agreement, Orangeville and Stony Creek will establish a single entity – the Orangeville Parties – for purposes of operating and maintaining the Developer's Attachment Facilities, using the Connecting Transmission Owner's Attachment Facilities, interfacing with the NYISO and NYSEG concerning the projects' interconnections, and making required payments under the projects' interconnection agreements. Additional details concerning this arrangement are set forth in Section F of Attachment 2 of the Interconnection Agreement.

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

The Interconnection Agreement was fully executed on October 6, 2020 by the NYISO, NYSEG, and Orangeville. The Interconnection Agreement largely conforms to the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT with the 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>6</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement with the non-conforming changes.

**1. Modifications Required to Reflect Joint Ownership and Use of Interconnection Facilities**

As described above, Orangeville will enter into an Assignment, Co-Tenancy, and Shared Facilities Agreement with Stony Creek and establish a single point of contact – the Orangeville Parties - for purposes of operating and maintaining the Developer's Attachment Facilities, using the Connecting Transmission Owner's Attachment Facilities, interfacing with the NYISO and NYSEG concerning the projects' interconnections, and making required payments under the projects' interconnection agreements. Accordingly, the parties inserted in Attachment 2 the details concerning how this Assignment, Co-Tenancy, and Shared Facilities Agreement will interact with the requirements in the Interconnection Agreement. The parties also modified the notice provisions in Article 13 of the Interconnection Agreement to reference the use of the

---

<sup>6</sup> See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

Orangeville Parties as the point of contact for the NYISO and NYSEG concerning the Facility and the Stony Creek Wind Facility.

In addition, the parties modified the metering requirements to account for both the Facility and the Stony Creek Wind Facility feeding power into the Orangeville Energy Collector Substation and interconnecting to the New York State Transmission System at NYSEG's adjacent Stony Creek Substation. NYSEG's revenue metering requirements for the Facility are attached as Attachment V to this filing letter. The metering for the Facility will be arranged to separately measure the generation from the Stony Creek Wind Facility and the generation from the Facility. The parties have specified in Section 1 of Attachment 5 of the Interconnection Agreement the details concerning how the two generating facilities will be metered to distinguish their output and have revised Section 1.7 of the Interconnection Agreement to provide for these metering requirements.

## **2. Orangeville'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 Orangeville have agreed that Orangeville 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, Orangeville, can construct the Connecting Transmission Owner's Interconnection Facilities with the agreement of all parties. The Commission has previously accepted this change to the Pro Forma SGIA.<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 October 6, 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>

---

<sup>7</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>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 York Power Authority*, Letter Order, Docket No. ER08-861-000 (May 27, 2008) (same); *New York Independent*

### **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 as the figure 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.

---

*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.

<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 October 20, 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>**

Robert E. Fernandez, Executive Vice  
President & General Counsel  
Karen Georgenson Gach, Deputy General  
Counsel  
\*Sara B. Keegan, Senior Attorney  
New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144  
Tel: (518) 356-6000  
Fax: (518) 356-4702  
skeegan@nyiso.com

\*Ted J. Murphy  
Hunton Andrews Kurth LLP  
2200 Pennsylvania Avenue, NW  
Washington, D.C. 20037  
Tel: (202) 955-1500  
Fax: (202) 778-2201  
tmurphy@huntonak.com

\*Michael J. Messonnier Jr.  
Hunton Andrews Kurth LLP  
951 East Byrd Street  
Richmond, VA 23219  
Tel: (804) 788-8200  
Fax: (804) 344-7999  
mmessonnier@huntonak.com

**For New York State Electric & Gas Corporation**

\*Timothy Lynch  
Director—Electric Transmission Services  
New York State Electric & Gas Corporation  
18 Link Drive  
Binghamton, NY 13904  
Tel: 585.484.6352  
TJLynch@nyseg.com

Amy A. Davis  
Senior Regulatory Counsel  
Avangrid Networks, Inc.  
89 East Avenue, 9<sup>th</sup> Floor  
Rochester, NY 14649  
Tel: 585.771.4234  
amy.davis@avangrid.com

\*Designated to receive service.

---

<sup>12</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2014) 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);
- The signature pages for the Interconnection Agreement (Attachment IV); and
- Revenue Metering Requirements for the Orangeville Battery Storage Project (Attachment V).

**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 October 6, 2020.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

/s/ Amy A. Davis

Amy A. Davis

*Counsel for New York State Electric & Gas Corporation*

cc:	Timothy Lynch	John C. Miller	Frank Swigonski
	Jignasa Gadani	David Morenoff	Eric Vandenberg
	Jette Gebhart	Larry Parkinson	Gary Will
	Kurt Longo	Douglas Roe	