

THIS FILING LETTER DOES NOT CONTAIN ANY CEII. ATTACHMENTS I, II, AND IV 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.

November 10, 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 Amended and Restated Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and Stony Creek Energy LLC; Request for Critical Energy Infrastructure Information Designation; 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 Amended and Restated Large Generator Interconnection Agreement entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and Stony Creek Energy LLC ("Stony Creek"), as the Developer (the "Amended Agreement").³ The Amended Agreement is labeled as Service Agreement No. 1894 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. With the limited exceptions described in Part I of this letter, the Amended 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 waiver of the Commission's

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.

prior notice requirements⁴ to make the Amended Agreement effective as of October 28, 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 Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

I. Discussion

A. Background

Stony Creek owns and operates a 96.83 MW wind generating facility located in the Town of Orangeville in Wyoming County, New York (“Facility”). The Amended Agreement supersedes an existing Large Generator Interconnection Agreement for the Facility among the NYISO, NYSEG, and Stony Creek with an effective date of June 27, 2012 (“Original Agreement”). The Original Agreement fully conformed to the Pro Forma LGIA and, accordingly, was not filed with the Commission.

The Original Agreement provided that the Facility would consist of 59 General Electric 1.6 MW turbines for a total plant capacity of 94.4 MW. Subsequent to the execution of the Original Agreement, Stony Creek revised the number of turbines and the per turbine output of the Facility, with resulting changes to the Energy Resource Interconnection Service (“ERIS”) and Capacity Resource Interconnection Service (“CRIS”) values for the Facility. As revised, the in-service Facility consists of 17 General Electric 1.62 MW turbines and 41 General Electric 1.69 MW turbines for a total capacity of 96.83 MW. Additional details regarding the Facility can be found in Appendix C of the Amended Agreement.

The Facility feeds power to the Orangeville Energy Collector Substation, which equipment are 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.⁵

Subsequent to the execution of the Original Agreement, an affiliate of Stony Creek, Orangeville Energy Storage LLC (“Orangeville”), proposed a 20 MW energy storage facility (the “Orangeville Energy Storage Project” with NYISO Interconnection Queue No. 513) that will use the same Point of Interconnection as the Facility. Specifically, the Orangeville Energy Storage Project will also feed power through the Developer’s Attachment Facilities at the Orangeville Energy Collector Substation and will also interconnect to the New York State Transmission System via Connecting Transmission Owner’s Attachment Facilities at NYSEG’s

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 The Facility is interconnected to NYSEG’s High Sheldon-Wethersfield 230 kV line #81, approximately 9.82 miles from the High Sheldon Substation and 2.57 miles from the Wethersfield Substation. Figure A-1 of Appendix A of the Amended Agreement provides a one-line diagram showing the Point of Interconnection.

existing, adjacent Stony Creek Substation.⁶ The interconnection of the Orangeville Energy Storage Project is subject to a Small Generator Interconnection Agreement among the NYISO, NYSEG, and Orangeville (NYISO OATT Service Agreement No. 2562).⁷

Stony Creek and Orangeville 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 Stony Creek and Orangeville entitled the Assignment, Co-Tenancy, and Shared Facilities Agreement (or a similar title), which will be filed at a later date with the Commission for its acceptance. Pursuant to this agreement, Stony Creek and Orangeville 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 8 of Appendix A of the Amended Agreement.

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

The Amended Agreement was fully executed on October 28, 2020 by the NYISO, NYSEG, and Stony Creek. The Amended Agreement largely conforms to the language in the Pro Forma LGIA contained in Attachment X 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 LGIA, because unique circumstances exist that require a non-conforming agreement.⁸ Therefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement with the non-conforming changes.

1. Modification to Address CRIS Value of the Facility

As a result of the revisions to the Facility's output, the Facility's ERI and CRIS values are different. Currently, the ERI value for the Facility is 96.83 MW, whereas Developer has only requested a CRIS value up to 94.4 MW. The parties to the Amended Agreement, therefore,

⁶ The 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. The Orangeville Energy Storage Project is a Small Generating Facility. The NYISO's 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.

⁷ The NYISO and NYSEG filed with the Commission the Small Generator Interconnection Agreement for the Orangeville Energy Storage Project on October 20, 2020 in FERC Docket No. ER21-154-000.

⁸ See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

agreed to amend Section 4.1.1 of the Amended Agreement to account for this difference. As amended, Section 4.1.1 indicates that the Facility's CRIS is subject to the requirements set forth in Section 2(a) of Appendix C. Section 2(a) provides that the Facility "has a CRIS value as of the Effective Date of 94.4 MW" and states that the "CRIS value will be limited to 94.4 MW, unless it is subsequently increased pursuant to an applicable provision of the NYISO OATT." The Commission has previously accepted this change to the Pro Forma LGIA in similar circumstances.⁹

2. Modifications Required to Reflect Joint Ownership and Use of Attachment Facilities

As described above, Stony Creek will enter into an Assignment, Co-Tenancy, and Shared Facilities Agreement with Orangeville 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 to the Amended Agreement inserted in Section 8 of Appendix A the details concerning how this Assignment, Co-Tenancy, and Shared Facilities Agreement will interact with the requirements in the Amended Agreement. The parties also modified the notice provisions in Article 15 of the Amended Agreement to reference the use of the Orangeville Parties as the point of contact for the NYISO and NYSEG concerning the Facility and the Orangeville Energy Storage Project.

In addition, the parties to the Amended Agreement modified the metering requirements to account for both the Facility and the Orangeville Energy Storage Project feeding power into the Orangeville Energy Collector Substation and interconnecting to the New York State Transmission System at NYSEG's adjacent Stony Creek Substation. The metering for the Facility will be arranged to separately measure the generation from the Orangeville Energy Storage Project and the generation from the Facility. The parties have specified in Section 3 of Appendix C of the Amended Agreement the details concerning how the two generating facilities will be metered to distinguish their output and have revised Section 7.1 of the Amended Agreement to provide for these metering requirements.

3. Modifications Consistent with Order No. 842

Following the effective date of the Original Agreement, the Commission revised its regulations in Order No. 842¹⁰ to require newly interconnecting large and small generating facilities, or large and small generating facilities for which a new interconnection request has

⁹ 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).

¹⁰ Essential Reliability Services and the Evolving Bulk-Power System—Primary Frequency Response, Order No. 842, 83 Fed. Reg. 9636 (Mar. 6, 2018), 162 FERC ¶ 61,128 (2018) ("Order No. 842").

been submitted, to install, maintain, and operate equipment capable of providing primary frequency response.¹¹ In compliance with Order No. 842, the NYISO inserted a new Article 9.5.5 in its Pro Forma LGIA to include primary frequency response requirements and modified the language of Article 9.5.4 of its Pro Forma LGIA consistent with the primary frequency response provisions.¹²

As the Amended Agreement is not for a newly interconnecting facility nor the result of a new interconnection request, the new primary frequency response requirements do not apply to the Facility, and neither Article 9.5.5 of the Pro Forma LGIA nor the corresponding revised language in Article 9.5.4 of the Pro Forma LGIA, have been included in the Amended Agreement.¹³

4. Modifications Consistent with Order No. 827

As a wind generating facility, the Facility is subject to certain reactive power requirements set forth in Appendix G of the Original Agreement. Subsequent to the execution of the Original Agreement, the NYISO removed Appendix G from the Pro Forma LGIA because, consistent with the Commission's Order No. 827, the reactive power requirements in Appendix G were no longer applicable to newly interconnecting wind generators that had executed an Interconnection Facilities Study Agreement after September 21, 2016.¹⁴ However, Stony Creek executed its Interconnection Facilities Study Agreement prior to September 21, 2016, and its Facility continues to be subject to the requirements in Appendix G. Accordingly, the parties to the Amended Agreement agreed to retain Appendix G in the Amended Agreement.

5. Additional Modifications

The NYISO, NYSEG, and Stony Creek have made the following additional modifications to the Original Agreement:

¹¹ Order No. 842 at PP. 1, 247.

¹² See *New York Independent System Operator, Inc.*, Compliance Filing Order No. 842, Docket No. ER18-1620-000 (May 15, 2018); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER18-1620-000 (September 7, 2018) (accepting NYISO's tariff revisions as complying with Order No. 842).

¹³ Order No. 842 at P 252 (“[T]he requirements of [Order No. 842] apply to all newly interconnecting large and small generating facilities that execute or request the unexecuted filing of a LGIA or SGIA on or after the effective date of this Final Rule as well as all existing large and small generating facilities that take any action that requires the submission of a new interconnection request that results in the filing of an executed or unexecuted interconnection agreement on or after the effective date of this Final Rule.”).

¹⁴ See *New York Independent System Operator, Inc.*, Proposed Tariff Revisions Regarding Interconnection Process Improvements, Docket No. ER18-80-000 at p 93 (Oct. 16, 2017) (referencing the Commission's Reactive Power Requirements for Non-Synchronous Generation, Order No. 827, 155 FERC ¶ 61,277 (2016) at PP. 60-63 in which the Commission advised that once all transition projects have executed LGIAs, the Transmission Provider should submit a filing pursuant to Section 205 of the Federal Power Act to remove Appendix G from the LGIA); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER18-80-000 (December 7, 2017) (accepting the NYISO's proposed tariff revisions).

- Modifications to reflect revisions to the Pro Forma LGIA that have been approved by the Commission since the execution of the Original Agreement, except as described in Parts I.B.3 and I.B.4 above;
- Modifications to reflect that this is the “Amended and Restated” Agreement;
- Modifications to update the status of the System Deliverability Upgrade required for this Facility in Section 4 of Appendix A;
- Revisions to the one-line diagram in Appendix A;
- Revisions to the Milestones in Appendix B to indicate that they were completed;
- Revisions to the description of the Facility in Appendix C to address the changes to the Facility described above; and
- Updates to the addresses for the delivery of notices and billings provided in Appendix F.

II. Proposed Effective Date and Request for Wavier of the 60-Day Notice Period

The Joint Filing Parties request an effective date of October 28, 2020 for the Amended 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.¹⁵

III. Request for CEII Treatment

Pursuant to Sections 388.112 and 388.113 of the Commission’s regulations,¹⁶ NYSEG requests that that the one-line diagram included as the figure in Appendix A of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information (“CEII”).¹⁷

¹⁵ 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).

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

¹⁷ 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 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 Amended 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 Amended 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 November 10, 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.

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 schematic shows 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 Amended 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 Amended 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."**¹⁸ A placeholder has been included in place of the non-public diagram in the public version of the Amended Agreement.

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

¹⁸ See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

IV. Communications and Correspondence

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

For the NYISO¹⁹

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¹⁹ 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 Amended Agreement (Attachment I);
- A blacklined Public version of the Amended Agreement showing the changes from the Original Agreement (Attachment II);
- A clean CEII version of the Amended Agreement (Attachment III); and
- The signature pages for the Amended 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 Amended Agreement for filing with an effective date of October 28, 2020.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan
*Counsel for the
New York Independent System Operator, Inc.*

/s/ Amy A. Davis

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