

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.

February 11, 2021

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., Consolidated Edison Company of New York, Inc., and NRG Berrians East Development 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 Act¹ and Section 35.13 of the Commission's regulations,² the New York Independent System Operator, Inc. ("NYISO") and Consolidated Edison Company of New York, Inc. ("Con Edison") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Large Generator Interconnection Agreement entered into among the NYISO, Con Edison, as the Connecting Transmission Owner, and NRG Berrians East Development LLC ("NRG"), as the Developer (the "Amended Agreement").³ The Amended Agreement is labeled as Service Agreement No. 2535 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. 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 with limited non-conforming exceptions previously accepted by the Commission for

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.

the prior version of this agreement. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver of the Commission's prior notice requirements⁴ to make the Amended Agreement effective as of January 28, 2021, which is the date of its full execution. Finally, as described in Part III of this letter, Con Edison requests that the one-line diagram included in the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

I. Discussion

The Amended Agreement supersedes the Large Generator Interconnection Agreement among the NYISO, Con Edison, and NRG that was filed in the Commission's Docket No. ER20-2090 on June 18, 2020,⁵ and was accepted by the Commission on August 14, 2020 (the "Original Agreement").⁶ The Original Agreement was based on and is consistent with the Pro Forma LGIA, but included certain non-conforming modifications, which were accepted by the Commission.

As described in the Amended Agreement, NRG is replacing twelve gas turbine generators at its existing facility in Astoria, New York, interconnected at Con Edison's 138kV Astoria East Substation, with one (1) simple cycle generator with a summer capability of 431 MW and winter capability of 439 MW. The Original Agreement addresses the interconnection of the new facility. Subsequent to the effective date of the Original Agreement, NRG proposed to modify the new facility so as to increase reactive power capability. The NYISO determined the change was non-material, and NRG elected to move forward with the change.

Accordingly, the NYISO, Con Edison, and NRG have revised Appendices A and C of the Original Agreement to reflect NRG's change. In addition, the NYISO, Con Edison, and NRG have made the following additional modifications to the Original Agreement:

- Revisions to reflect that this is the "Amended and Restated" Agreement;
- Revisions to the one-line diagram in Appendix A; and
- Revisions to the Milestones in Appendix B to indicate that certain milestones were completed.

Finally, the Original Agreement was executed while certain NYISO compliance revisions to the Pro Forma LGIA concerning provisional interconnection service in response to Order No.

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 *New York Independent System Operator and Consolidated Edison of New York, Inc.*, Docket No. ER20-2090-000 (June 18, 2020).

⁶ *New York Independent System Operator and Consolidated Edison of New York, Inc.*, Letter Order, Docket No. ER20-2090-000 (August 14, 2020).

845⁷ and minor clean-ups were still pending at the Commission.⁸ Accordingly, the parties agreed to not include these pending changes in the Original Agreement, which was filed with and accepted by the Commission.⁹ The Commission subsequently accepted the NYISO's proposed revisions,¹⁰ and the parties have inserted them into the Amended Agreement to reflect the current Pro Forma LGIA.

The Amended Agreement does not include variations from the Pro Forma LGIA other than those already accepted by the Commission for the Original Agreement.

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

The Joint Filing Parties request an effective date of January 28, 2021, 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.¹¹

III. Request for CEII Treatment

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,¹² Con Edison requests that the one-line diagram included as Figures A-1 in Appendix A of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").¹³ The diagram contains detailed, one-line schematics of Con Edison's facilities that, if

⁷ *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 83 Fed. Reg. 21342 (May 9, 2018), 163 FERC ¶ 61,043 (2018), *order on clarification and reh'g*, Order No. 845-A, 166 FERC ¶ 61,137 (2019).

⁸ *See New York Independent System Operator, Inc.*, Compliance Filing, Docket No. ER19-1949-001 at pp 4-5 (April 28, 2020).

⁹ *New York Independent System Operator and Consolidated Edison of New York, Inc.*, Letter Order, Docket No. ER20-2090-000 (August 14, 2020).

¹⁰ *See New York Independent System Operator, Inc.*, Letter Order, Docket No. ER19-1949-001 (June 4, 2020).

¹¹ *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).

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

¹³ As required by Section 388.113(d)(1)(i) of the Commission's regulations, Con Edison has described in the filing letter how the one-line diagram in Figures A-1 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

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 Con Edison'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."**¹⁴ A placeholder has been included in place of the non-public diagram in the public version of the Amended Agreement.

Public version. Finally, as required by Section 388.113(d)(1)(i), Con Edison requests that the Commission designate the CEII material submitted on February 11, 2021, 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.

¹⁴ 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:

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IV. Communications and Correspondence

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

For the NYISO¹⁵

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¹⁵ 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.

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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.

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VII. Conclusion

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of January 28, 2021.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

Counsel for the

New York Independent System Operator, Inc.

/s/ Paul A. Savage

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