

February 26, 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 Second Amended and Restated Transmission Project Interconnection Agreement Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and H.Q. Energy Services (U.S.) Inc.; 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 Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") (together, the "Joint Filing Parties") hereby tender for filing an executed Second Amended and Restated Transmission Project Interconnection Agreement entered into by the NYISO, National Grid, as the Connecting Transmission Owner, and H.Q. Energy Services (U.S.) Inc. ("HQUS"), as the Transmission Developer (the "Second Amended Agreement").³ The Second Amended Agreement is labeled as Service Agreement No. 2472 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Second Amended Agreement for filing. The Second 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 the prior versions of this agreement and limited additional revisions described in Part I below. 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 Second Amended Agreement effective as of February 11, 2021, which is the date of its full execution.

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.

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).

I. DISCUSSION

The Second Amended Agreement supersedes the Amended and Restated Transmission Project Interconnection Agreement among the NYISO, National Grid, and HQUS (the “Amended Agreement”) that was filed in the Commission’s Docket No. ER20-194 on October 25, 2019,⁵ and was accepted by the Commission on December 23, 2019.⁶ The Amended Agreement previously superseded the Transmission Project Interconnection Agreement among the NYISO, National Grid, and HQUS (the “Original Agreement”) that was filed in the Commission’s Docket No. ER19-2645-000 on August 20, 2019,⁷ and was accepted by the Commission on September 26, 2019.⁸ The Original Agreement was based on and is consistent with the Pro Forma LGIA, but included certain non-conforming modifications required for the agreement to address a Transmission Project, which were accepted by the Commission.

As described in the Second Amended Agreement, the Transmission Project will provide for an 80 MW increase in transmission capacity on the Cedar Rapids Transmission Intertie located in St. Lawrence County, New York, to increase imports from the Quebec Control Area to New York’s Rest of State region. The Transmission Project includes the reconductoring of National Grid’s 115 kV Alcoa-Dennison Line 12, the installation of a 25 MVar rack mounted capacitor bank at National Grid’s Dennison Substation, and related Network Upgrade Facilities required for the Transmission Project to connect reliably to the New York State Transmission System in a manner that meets the NYISO Transmission Interconnection Standard. National Grid will construct, own, operate, and maintain the portion of the Transmission Project and Network Upgrade Facilities located on its transmission system.

The NYISO’s interconnection studies for the Transmission Project also identified impacts on an Affected System in New York – the transmission system of Alcoa Power Generating Inc.’s Long Sault Division (“APGI”), which is an Affected System Operator. The portion of the Transmission Project and Network Upgrade Facilities on APGI’s transmission system will be constructed, owned, operated, and maintained by APGI. The NYISO, APGI, and HQUS entered into a separate Engineering, Procurement, Construction, Operation, and Maintenance Agreement (“EPC Agreement”) concerning the work on the APGI transmission system. The EPC Agreement was fully executed on October 4, 2019, filed at the Commission in Docket No. ER20-149-000 on October 21, 2019, and accepted by the Commission on December 13, 2019.⁹

⁵ *New York Independent System Operator, Inc., and Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER20-194-000 (Oct. 25, 2019).

⁶ *New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER20-194-000 (Dec. 23, 2019).

⁷ *New York Independent System Operator, Inc., and Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER19-2645-000 (Aug. 20, 2019).

⁸ *New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER19-2645-000 (Sept. 26, 2019).

⁹ *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER20-149-000 (December 13, 2019).

Subsequent to the execution of the Amended Agreement, HQUS proposed certain changes to the Transmission Project that the NYISO determined were not material modifications. In particular, HQUS proposed an alternative, shorter transmission project route and flexibility concerning the conductors to be installed. Accordingly, the NYISO, National Grid, and HQUS agreed to amend the Amended Agreement to reflect these project modifications and the related equipment changes in Appendix A of the agreement.¹⁰

The parties also agreed to make the following changes to the Second Amended Agreement:

- Modifications to reflect that the agreement is the “Second Amended and Restated” agreement;
- Modifications to the Recitals to describe the different versions of the agreement;
- Modification to the cost estimate table in Appendix A to reflect modified equipment and work and conforming changes to the Security and Income Tax Gross Up provisions in Appendix A;
- Revisions to the one-line diagram in Appendix A; and
- Revisions to the Milestones in Appendix B to indicate that certain milestones were completed or have been modified.

Finally, subsequent to the execution of the Amended Agreement, the NYISO made certain modifications to the Pro Forma LGIA. The parties incorporated into the Second Amended Agreement these updates to the Pro Forma LGIA,¹¹ except where: (i) the modifications were to provisions of the Pro Forma LGIA that had been deleted from the Original Agreement or modified in a manner that would eliminate the revised language, (ii) the modifications did not function with the revised language in the provision in the Original Agreement, or (iii) the modifications did not apply to a Transmission Project studied under Attachment P of the NYISO OATT. As with the Original Agreement, the Second Amended Agreement continues to largely conform to the language in the Pro Forma LGIA, with limited non-conforming revision due to the unique circumstances of the Transmission Project.¹²

¹⁰ The NYISO is simultaneously filing an Amended and Restated EPC Agreement among the NYISO, APGI, and HQUS with related changes.

¹¹ The changes in the Second Amended Agreement to align with the subsequent changes to the Pro Forma LGIA include revisions to the definitions in Article 1 (*i.e.*, revision to “Initial Synchronization Date” and deletion of “Loss”), revisions to Articles 18.1, 18.3.4, 22.8, and the signature page, and the insertion of Appendix E-1.

¹² See, *e.g.*, *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh’g denied*, 112 FERC ¶ 61,282 (2005).

The Second Amended Agreement was fully executed on February 11, 2021, by the NYISO, National Grid, and HQUS.

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

The Joint Filing Parties request an effective date of February 11, 2021, for the Second 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.¹³

III. COMMUNICATIONS AND CORRESPONDENCE

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

For the NYISO¹⁴

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¹³ 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).

¹⁴ 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 National Grid

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IV. DOCUMENTS SUBMITTED

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

- A clean version of the Second Amended Agreement (Attachment I);
- A blacklined version of the Second Amended Agreement showing the changes from the Amended Agreement (Attachment II); and
- The signature pages for the Second Amended Agreement (Attachment III).

V. 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.

VI. CONCLUSION

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Second Amended Agreement for filing with an effective date of February 11, 2021.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan
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New York Independent System Operator, Inc.

/s/ Christopher J. Novak

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