

June 30, 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 Small Generator Interconnection Agreement for the North Country Solar Project Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and Duke Energy Renewables Solar, LLC; 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 Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Small Generator Interconnection Agreement for the North Country Solar Project (NYISO Queue No. 589) entered into by the NYISO, National Grid, as the Connecting Transmission Owner, and Duke Energy Renewables Solar, LLC ("Duke"), as the Interconnection Customer (the "Amended Agreement").<sup>3</sup> The Interconnection Agreement is labeled as Service Agreement No. 2549 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* Small Generator Interconnection Agreement ("Pro Forma SGIA") that is contained in Attachment Z to the OATT with limited non-conforming exceptions previously accepted by the Commission for 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 requirements<sup>4</sup> to make the Amended Agreement effective as of June 22, 2021, which is the date of its full execution.

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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 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.

<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).

## **I. Discussion**

### **A. Background**

The Amended Agreement supersedes the Small Generator Interconnection Agreement among the NYISO, National Grid, and Duke that was filed in the Commission's Docket No. ER20-2749-000 on August 26, 2020,<sup>5</sup> and was accepted by the Commission on October 7, 2020 (the "Original Agreement").<sup>6</sup> 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.

Duke is constructing a 15 MW solar powered facility located in the town of Boonville in Lewis County, New York ("Facility"). The Facility will interconnect to certain facilities of National Grid that are part of the New York State Transmission System. Subsequent to the effective date of the Original Agreement, Duke proposed to change the In-Service Date and Commercial Operation Date for the Facility, which change is permitted by the modification rules in the NYISO OATT.<sup>7</sup>

Accordingly, the NYISO, National Grid, and Duke have revised the project milestones in Attachment 4 of the Original Agreement to reflect Duke's changes. In addition, the NYISO, National Grid, and Duke have made the following additional modifications to the Original Agreement:

- Revisions to reflect that this is the "Amended and Restated" Agreement;
- Revisions to certain contact information in Article 13 of the Amended Agreement.

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 June 22, 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.<sup>8</sup>

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<sup>5</sup> *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER20-2749-000 (August 26, 2020).

<sup>6</sup> *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER20-2749-000 (October 7, 2020).

<sup>7</sup> See OATT Att. X Section 30.4.4.5.1.

<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

**III. Communications and Correspondence**

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

**For the NYISO<sup>9</sup>**

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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).

<sup>9</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.

**IV. Documents Submitted**

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

- A clean version of the Amended Agreement (Attachment I);
- A blacklined version of the Amended Agreement showing the changes from the Original Agreement (Attachment II); and
- The signature pages for the 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](http://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 June 22, 2021.

Respectfully submitted,

*/s/ Sara B. Keegan*

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Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

*/s/ Christopher J. Novak*

\_\_\_\_\_  
Christopher J. Novak

*Counsel for*

*Niagara Mohawk Power Corporation d/b/a  
National Grid*

cc: Janel Burdick  
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