

SUBMITTED VIA E-TARIFF FILING

July 9, 2021

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**Re: *New York Power Authority*
 Docket No. ER21-____-000**

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (“FPA”)¹ and Part 35 of the Federal Energy Regulatory Commission’s (“Commission” or “FERC”) regulations, the New York Power Authority (“NYPA”) hereby submits this request for acceptance of certain revisions to its transmission formula rate template (“Template”) and implementation protocols (“Protocols,” and together with the Template, “Formula Rate”) found at Section 14.2.3 of Attachment H of the New York Independent System Operator, Inc. (“NYISO”) Open Access Transmission Tariff (“OATT”)² to incorporate a cost containment mechanism to be used in connection with NYPA’s recovery of the costs of its investments in certain transmission facilities that are known as “Segment A” of the “AC Projects.”

The AC Projects are transmission projects that have been selected by the NYISO Board of Directors pursuant to the NYISO’s Public Policy Transmission Planning Process set forth in Section 31.4 of Attachment Y of the NYISO OATT and are currently under construction. NYPA and LS Power Grid New York Corporation I (“LSPG-NY”) are joint developers of the Segment A portion of the AC Projects.³

¹ 16 U.S.C. § 824d (2018).

² NYISO submits this filing on behalf of NYPA solely in its role as administrator of the NYISO OATT. The burden of demonstrating that the proposed tariff amendments are just and reasonable rests with NYPA, the sponsoring party. The NYISO takes no position on any substantive aspect of this filing at this time. Capitalized terms not otherwise defined herein shall have the meaning specified in the NYISO OATT.

³ The Segment A project was referred to as “Project T027” in the NYISO Board of Director’s decision and accompanying report. See New York Power Auth., Petition for Declaratory Order of New York

This filing is made to comply with the conditions set forth in the Commission's order granting NYPA an incentive return on equity ("ROE") adder for the risks and challenges associated with the Segment A project. In its request for the incentive ROE adder, NYPA committed to adopt the risk-sharing mechanism established by LSPG-NY in connection with recovery of its costs for the Segment A project, subject to necessary modifications to reflect NYPA's Formula Rate.⁴ The Commission subsequently conditioned its grant of the ROE incentive adder to NYPA on NYPA's incorporation of such a cost containment provision into its Formula Rate.⁵ As explained below, the Commission recently approved a settlement establishing an LSPG-NY formula rate that contains a risk-sharing and cost containment mechanism applicable to LSPG-NY's recovery of the costs of the Segment A project.

Consistent with NYPA's previous commitment and the conditions established by the Commission in the NYPA Incentive Order, the revisions proposed herein incorporate into the Formula Rate the risk-sharing and cost containment mechanisms established in the LSPG-NY formula rate proceeding, with only minor, necessary modifications to reflect NYPA's Formula Rate. For these reasons and as explained in more detail below, NYPA respectfully submits that the proposed revisions are just and reasonable and should be approved by the Commission without suspension or hearing.

I. BACKGROUND

A. NYPA AND ITS FORMULA RATE

NYPA is a corporate municipal instrumentality and a political subdivision of the State of New York, organized under the laws of New York, and operates pursuant to Title 1 of Article 5 of the New York Public Authorities Law. NYPA is a "state instrumentality" within the definition of section 201(f) of the FPA and therefore is exempt from the requirements of Part II of the FPA.⁶ It is engaged in the generation, transmission, and sale of electricity at wholesale and retail throughout New York and is a founding member of the NYISO. As the largest state-owned power organization in New York, NYPA has taken responsibility for constructing, owning, and operating critical segments of transmission infrastructure throughout the State. NYPA's customers are a geographically diverse group that includes large governmental entities (*e.g.*, City of New York, Metropolitan Transportation Authority), municipal utilities (47 located throughout the State), rural electric cooperatives (four), and hundreds of end-use business customers.

Power Authority Requesting Incentive Rate Treatments at 11-12, Docket No. EL19-88-000 (filed Aug. 12, 2019) ("NYPA Petition for Declaratory Order").

⁴ *New York Power Auth.*, 169 FERC ¶ 61,125, at P 36 (2019) ("NYPA Incentive Order").

⁵ NYPA Incentive Order at P 37.

⁶ 16 U.S.C. § 824(f) ("No provision in this subchapter shall apply to, or be deemed to include . . . a State or any political subdivision of a State . . . or any agency, authority, or instrumentality of any one or more of the foregoing . . ."); *see also Village of Bergen v. FERC*, 33 F.3d 1385, 1389 (D.C. Cir. 1994).

NYPA's bulk power transmission system encompasses approximately 1,400 circuit miles and consists of facilities ranging from 115 kilovolts ("kV") to 765 kV. Many of these facilities comprise backbone paths necessary for critical North-South and West-East energy transfers to downstate load. Lacking distribution facilities or a defined geographical service territory of its own, NYPA has, since the inception of the NYISO, recovered its cost of owning and maintaining its transmission facilities primarily through the NYPA Transmission Adjustment Charge ("NTAC"), a charge assessed to virtually all loads in the NYISO on a load-ratio share basis.⁷

On January 29, 2016, NYPA filed an application under Section 205 of the FPA to incorporate changes to the NYISO OATT to convert its stated transmission revenue requirement into a transmission formula rate.⁸ After negotiations with interested parties, an uncontested settlement was filed on September 30, 2016, which the Commission accepted on January 19, 2017.⁹ The settlement Formula Rate Template determines for NYPA its NTAC annual transmission revenue requirement ("ATRR") and project-specific ATRRs for transmission projects not recovered through the NTAC, such as NYPA's share of Segment A of the AC Projects.¹⁰

B. SEGMENT A PROJECT DEVELOPMENT

NYPA and LSPG-NY are joint developers of Segment A of the AC Projects. Under the NYISO's Public Policy Transmission Planning Process, the NYISO Board of Directors selected the AC Projects as the more efficient or cost-effective transmission solution to address the "AC Transmission Need" – a need identified by the New York State Public Service Commission ("PSC") for: (1) a minimum of 350 MW of additional Central East transfer capability (Segment A); and (2) upgrades designed to provide a minimum of 900 MW of additional UPNY/SENY transfer capability (Segment B).¹¹ The NYISO identified

⁷ See *Central Hudson Gas & Elec. Corp.*, 86 FERC ¶ 61,062, at p. 61,212, *order on reh'g*, 88 FERC ¶ 61,138, at pp. 61,403-04 (1999). The NTAC formula appears at Section 14.2.2.2.1 of the NYISO OATT. See NTAC Formula, NYISO OATT, Attachment H, Annual Transmission Revenue Requirement for Point-to-Point Transmission Service and Network Integration Transmission Service § 14.2.2.2.

⁸ *New York Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,268 (2016). Despite NYPA's non-jurisdictional status under Part II of the FPA, NYPA recognizes the Commission's jurisdiction over transmission rate matters because its revenue requirement is collected through the tariff of the NYISO, a FERC-jurisdictional transmission organization. See *New York Indep. Sys. Operator, Inc.*, 140 FERC ¶ 61,240, at PP 28-30 (2012).

⁹ *New York Indep. Sys. Operator, Inc.*, 158 FERC ¶ 61,043 (2017).

¹⁰ NYISO OATT § 14.2.3.1 (Schedule D2 of NYPA Formula Rate Template ("Project Specific Capital Structure and Cost of Capital")). See also *New York Indep. Sys. Operator, Inc., New York Power Auth.*, NYPA Offer of Settlement § 3.10 ("NYPA Recovery of Costs for Non-NTAC Capital Expenditures"), Docket No. ER16-835-000 (filed Sept. 30, 2016).

¹¹ NYPA Incentive Order at PP 4-5. The AC Transmission Public Policy Transmission Need was identified by the PSC in 2015 when it found that there is a transmission need driven by public policy requirements for new 345 kV alternating current transmission facilities to cross the Central East and Upstate New York/Southeast New York (UPNY/SENY) interfaces to provide additional transmission capacity to move power from upstate to downstate New York. *Id.* at P 4.

the LSPG-NY and NYPA joint development proposal to build Segment A of the AC Projects within a Public Policy Transmission Planning Report issued April 8, 2019.¹²

Following NYPA's selection as a joint developer of the Segment A project by the NYISO Board of Directors, NYPA filed a petition for a declaratory order with the Commission requesting incentive rate treatments for NYPA's investments in its portion of Segment A of the AC Projects.¹³ Specifically, NYPA requested: (i) recovery of 100% of prudently-incurred costs in the event the Segment A project must be abandoned for reasons outside of NYPA's reasonable control ("Abandonment Incentive"); (ii) inclusion of 100% of Construction Work in Progress ("CWIP") in rate base ("CWIP Incentive"); and (iii) a 50-basis point ROE adder to reflect the significant risks and challenges associated with the Segment A project ("ROE Risk Adder").¹⁴ As a part of its petition, NYPA committed "to adopt, subject to any necessary modifications to reflect NYPA's Formula Rate, any risk-sharing mechanism established by LSPG-NY in its future section 205 filing" requesting a formula rate and incentive rate treatments for LSPG-NY's share of the Segment A project.¹⁵ On November 21, 2019, the Commission granted NYPA's requested incentive rate treatments.¹⁶ In the NYPA Incentive Order, the Commission found that "NYPA's statement that it commits to adopting a risk-sharing mechanism to be proposed by LSPG-NY in a future FPA section 205 filing demonstrates that NYPA will commit to limiting the application of the ROE incentive to a cost estimate" and granted the ROE Risk Adder "conditioned on the Commission's acceptance of NYPA's future filing under FPA section 205 to incorporate the ROE Risk Adder and a cost containment provision into its Formula Rate."¹⁷ Effective July 1, 2020, FERC accepted NYPA's application to adopt a "Regulated Transmission Facility Charge" under a new Attachment 2 to Rate Schedule 10 of the NYISO OATT, which authorized NYPA to recover its CWIP charges inclusive of the ROE Risk Adder related to its share of Segment A.¹⁸

C. THE LSPG-NY COST CONTAINMENT MECHANISM

On December 31, 2019, LSPG-NY submitted a filing requesting that the Commission: (i) accept a formula rate to determine and recover costs of LSPG-NY's investments in the NYISO region, and (ii) authorize certain incentive rate treatments with respect to LSPG-NY's investments in Segment A project facilities.¹⁹ Consistent with the requirements of the Public Policy Transmission Planning process for the AC Projects and

¹² *Id.* at P 5. Segment B of the AC Projects is being developed by Niagara Mohawk Power Corporation d/b/a National Grid and the NY Transco. Segment B is not directly relevant to the instant application although Segment B is being developed subject to a virtually identical cost containment and risk sharing provisions agreed to via settlement in Docket No. ER15-572-000. The anticipated in-service date for the AC Projects is December 2023. *Id.*

¹³ NYPA Petition for Declaratory Order at 1.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 46-47.

¹⁶ NYPA Incentive Order.

¹⁷ *Id.* at PP 41 (internal citation omitted), 42.

¹⁸ New York Indep. Sys. Operator, Inc., Office of Energy Market Regulation Letter Order Accepting Attachment 2 to Rate Schedule 10, Docket No. ER20-1688-000 (issued June 17, 2020).

¹⁹ New York Indep. Sys. Operator, Inc., Formula Rate Filing, Docket No. ER20-716-000 (filed Dec. 31, 2019).

LSPG-NY's joint development proposal with NYPA, LSPG-NY proposed a risk-sharing mechanism under which (i) it would receive no ROE for 20% of certain project costs in excess of a cost cap, and would only recover its base ROE (*i.e.* without incentive adders) for the remaining 80% of costs above the cap, and (ii) it would receive an ROE adder if certain project costs are below a separate, lower cost cap.²⁰ LSPG-NY also noted NYPA's commitment to incorporate these provisions into NYPA's Formula Rate "on materially the same terms."²¹ The Commission found that the cost containment mechanism included in LSPG-NY's proposed formula rate had not been shown to be just and reasonable, set it for hearing, and established hearing and settlement judge procedures.²² NYPA participated in those settlement discussions and reiterated its intent to adopt the risk sharing/cost containment provisions developed and agreed to in that settlement proceeding.

Following settlement discussions, the parties reached a settlement that resolved all issues in Docket No. ER20-716,²³ including a detailed cost containment mechanism with respect to LSPG-NY Segment A project costs.²⁴ Section III.B.5 of the LSPG-NY Segment A Settlement establishes a cost cap for LSPG-NY project costs and expressly defines a cost containment mechanism consisting of several elements. First, the cost containment mechanism provides that 20% of any prudently incurred LSPG-NY Segment A project costs above the cost cap that are subject to cost containment will not earn any ROE, but LSPG-NY will be allowed to recover the associated depreciation and debt cost.²⁵ Second, the cost containment mechanism provides that 80% of any prudently incurred LSPG-NY Segment A project costs above the cost cap that are subject to cost containment will not earn any ROE incentive adders, but LSPG-NY will be allowed to earn the base ROE, associated depreciation, and debt cost with respect to such costs.²⁶ Third, the cost containment mechanism provides that, for purposes of providing an incentive to reduce costs, LSPG-NY will receive an additional ROE incentive adder when actual project costs are below an adjusted cost cap.²⁷ This size of the additional ROE adder increases as the amount that project costs are below the adjusted cost cap increases, and ranges from 0.05% (if project costs are between 0 and 5% lower than the adjusted cap) to 0.71% (if project costs are more than 25% below the adjusted cap).²⁸ The settlement separately defines several terms used in the cost containment provisions²⁹ and provides that certain costs, such as "Unforeseeable Costs" that are in excess of 5% of the cost cap, and "Third Party Costs," are not project costs subject to the cost cap.³⁰

²⁰ *Id.* at 38-39.

²¹ *Id.* at 39.

²² *New York Indep. Sys. Operator, Inc., LS Power Grid N.Y. Corp. I*, 171 FERC ¶ 61,159, at P 53, *reh'g denied*, 172 FERC ¶ 62,045 (2020).

²³ *See* New York Indep. Sys. Operator, Inc., Offer of Settlement, Docket No. ER20-716-001 (filed Apr. 1, 2021); New York Indep. Sys. Operator, Inc., Errata to Offer of Settlement Transmittal Letter, Docket No. ER20-716-001 (filed Apr. 9, 2021) ("Errata Settlement Filing").

²⁴ Errata Settlement Filing, Attachment 3, Offer of Settlement ("LSPG-NY Segment A Settlement") § 3.6.

²⁵ *Id.* § 3.6.1.a.

²⁶ *Id.* § 3.6.1.b.

²⁷ *Id.* §§ 3.6.2., 3.6.3.

²⁸ *Id.* § 3.6.3. (Table A).

²⁹ *Id.* §§ 3.1.1 – 3.1.8.

³⁰ *Id.* § 3.1.5.

LSPG-NY's formula rate provides for implementation of the cost containment provisions agreed to in the settlement via an adjustment to the LSPG-NY Segment A project ATRR. Specifically, LSPG-NY's formula rate provides for an adjustment to be made to the Segment A project's ATRR at column (p) of Attachment 4 to the formula rate. Note C on Attachment 4, which describes the column (p) adjustment, notes that:

Competitive Bid Concession, if any, will reflect outcome of competitive developer selection process and will be computed on a workpaper that will be provided as supporting documentation for each Annual Update and will be zero or a reduction to the revenue requirement. The amount in Column (p) above equals the amount by which the annual revenue requirement is reduced from the ceiling rate.³¹

Additionally, the settlement specifies how calculation and verification of the cost containment provisions are to be addressed under the LSPG-NY formula rate protocols. In recognition of the fact that LSPG-NY and NYPA are joint developers of Segment A, the LSPG-NY Segment A Settlement provides that "duplicative recovery of Project Costs shall not be permitted and that there shall be full transparency in annual formula rate updates regarding the division of assets and cost responsibility" between LSPG-NY and NYPA.³² The LSPG-NY Segment A Settlement further provides that:

[W]ithin six months of placing the entire Segment A project in service, LSPGNY will provide an informational workpaper identifying the final assets owned by LSPGNY and NYPA respectively, the total ratebase of the assets, details including accounting entries of any transfers of assets that may have occurred between the parties that changed the ownership of any assets, the amount of any costs greater than the Cost Cap or less than the Adjusted Cost Cap, as the case may be, and details of the operations and maintenance costs incurred to date.³³

The settlement further provides that "LSPGNY will provide updates of Unforeseeable Costs as part of project cost updates in its annual informational filing through construction, including information demonstrating how such costs were determined to be Unforeseeable Costs."³⁴ LSPG-NY will also provide information on certain Third Party Costs as a part of project cost updates.³⁵ LSPG-NY's protocols agreed to as a part of the settlement also provide that LSPG-NY will provide this information by June 30th of each year during the period of construction prior to LSPG-NY having an obligation to make an annual informational filing.³⁶ NYPA will participate in the development of these LSPG-

³¹ LSPG-NY Segment A Settlement, Attachments A and B, Project Worksheet Attachment 4, Note C.

³² *Id.* § 3.11.

³³ *Id.*

³⁴ *Id.* § 3.12.

³⁵ *Id.*

³⁶ LSPG-NY Segment A Settlement, Attachments C and D § 7 ("Updates During Transmission Project Construction").

NY updates, which will reflect the costs for the Segment A project as a whole. NYPA's share of these costs will also be reflected in NYPA's own annual updates.

On May 7, 2021, Settlement Judge Satten recommended Commission approval of the settlement,³⁷ and on June 17, 2021, the Commission approved the settlement without modification.³⁸

II. PROPOSED REVISIONS

Consistent with NYPA's commitment in the NYPA Petition for Declaratory Order to adopt the risk sharing mechanism established by LSPG-NY with necessary modifications to reflect NYPA's Formula Rate, and the NYPA Incentive Order,³⁹ NYPA proposes revisions to its Formula Rate and Protocols as explained herein to implement cost containment for its share of the Segment A project costs.

Like the LSPG-NY risk sharing mechanism, the NYPA risk sharing mechanism consists of two components: (i) procedures for determining ROE adjustments based on a comparison of Segment A project costs with a cost cap and adjusted cost cap pursuant to a calculation that occurs in a workpaper that is not included in the Template, and (ii) a resulting adjustment to the Segment A project revenue requirement that occurs in the Template.

First, to adopt provisions that mirror to the greatest extent possible the cost containment provisions agreed to by the parties in the LSPG-NY Segment A Settlement in Docket No. ER20-716, NYPA proposes to add a new Section 14.2.3.2.9 to the Protocols. This new Section, entitled "AC Project Segment A Cost Containment," contains the relevant cost containment provisions from the LSPG-NY Segment A Settlement that provide procedures for adjusting NYPA's ROE with respect to project costs based on a comparison of Segment A project costs with a cost cap and adjusted cost cap. Section A of the new Section 14.2.3.2.9 contains nine definitions that are virtually identical to those contained in Section III.A of the LSPG-NY Segment A Settlement, with appropriate references to "NYPA" in place of "LSPGNY."⁴⁰ Section B of the new Section 14.2.3.2.9 clarifies the applicability of the relevant NYPA ROE incentive adders – 50 basis points for the RTO participation adder authorized for NYPA by the Commission in 2016 and the 50 basis point adder for risks and challenges authorized by the Commission in the NYPA Incentive Order – in the same way that Section III.B.2 of the LSPG-NY Segment A Settlement clarifies the applicability of ROE incentive adders with respect to LSPG-NY. Section C of the new Section 14.2.3.2.9 sets forth the same elements of the cost containment mechanism defined in Section III.B.5 of the LSPG-NY Segment A Settlement, adjusted to be applicable to NYPA's share of the Segment A project costs. Specifically, the three elements of the cost containment mechanism agreed

³⁷ New York Indep. Sys. Operator, Inc., Certification of Uncontested Settlement, Docket No. ER20-716-001 (filed May 7, 2021).

³⁸ *New York Indep. Sys. Operator, Inc., LS Power Grid N.Y. Corp. I*, 175 FERC ¶ 61,210 (2021).

³⁹ NYPA Incentive Order at P 37.

⁴⁰ These definitions clarify that Unforeseeable Costs in excess of 5% of the cost cap are recoverable in the Formula Rate, which is the consistent with the LSPG-NY cost containment mechanism.

to in the LSPG-NY Segment A Settlement are present in the same formulation in Section C of 14.2.3.2.9:

- (i) Mirroring Section III.B.5.1.a. of the LSPG-NY Segment A Settlement, Section C.1.a. provides that 20% of any prudently incurred NYPA Segment A project costs above the cost cap that are subject to cost containment will not earn any ROE, but NYPA will be allowed to recover the associated depreciation and debt cost;
- (ii) Mirroring Section III.B.5.1.b. of the LSPG-NY Segment A Settlement, Section C.1.b. provides that 80% of any prudently incurred NYPA Segment A project costs above the cost cap that are subject to cost containment will not earn any ROE incentive adders on such costs, but NYPA will be allowed to earn the base ROE, associated depreciation, and debt cost with respect to such costs;
- (iii) Mirroring Section III.B.5.3 of the LSPG-NY Segment A Settlement, Section C.2. provides that, for purposes of providing an incentive to reduce costs, NYPA is permitted to earn an additional ROE incentive adder when actual project costs are below an adjusted cost cap. Mirroring Section III.B.5.3 of the LSPG-NY Segment A Settlement, Section C.3 provides that the size of the additional ROE adder is dependent upon the amount that project costs are ultimately below the adjusted cost cap.⁴¹

The cost cap and adjusted cost cap referred to in Section C of 14.2.3.2.9 are fully consistent with the cost cap and adjusted cost cap agreed to for LSPG-NY's share of Project A costs in the LSPG-NY Segment A Settlement, adjusted to reflect NYPA's ultimate ownership share of the Segment A project, which is 37.5%.⁴² Neither the NYPA cost cap nor adjusted cost cap includes allowance for funds used during construction ("AFUDC"), while the LSPG-NY cost cap and adjusted cost cap do, because the Commission granted NYPA authorization to include 100% of prudently incurred CWIP for the Segment A project in rate base in the NYPA Incentive Order.⁴³ As a result, NYPA will not be accruing AFUDC on its Segment A investment.

Second, NYPA proposes a revision to the Template to account for adjustments to the Segment A project revenue requirement to account for ROE adjustments determined pursuant to proposed Section 14.2.3.2.9 of the Protocols. The LSPG-NY formula rate provides for a project-specific ATRR adjustment at Attachment 4, column (p), by including any adjustments made pursuant to the cost containment mechanism in the LSPG-NY Segment A Settlement. To provide for a similar project-specific ATRR adjustment to Segment A project costs, NYPA proposes to add a note 4 to Schedule D2

⁴¹ LSPG-NY Segment A Settlement § 3.6.3.

⁴² NYPA has exercised its option under its Segment A Project "Participation Agreement" with LSPG-NY to acquire an ownership interest in 37.5% of the Segment A project. Taking into account LSPG-NY's share of the Segment A project, the NYPA cost cap equals $(\$316,500,000 / 0.625) \times 0.375$, or \$189,900,000, as shown in proposed Section 14.2.3.2.9.C of the Protocols.

⁴³ NYPA Incentive Order at P 26.

of the Template that reads as follows: “The AC Project Segment A cost containment impacts, if any, will be computed on a workpaper and provided as supporting documentation for each applicable Annual Update consistent with the NYPA Protocols.” In addition, consistent with the NYPA Incentive Order, the footnote confirms that the ROE Risk Adder applies to the equity return used for NYPA’s investment in the Segment A project.

III. CONTENTS OF THE FILING

In addition to this transmittal letter, which provides a detailed description of the approvals requested and the bases for those requests, this filing contains the following components:

Attachment A: Clean Version of the NYPA Formula Rate Implementation Protocols containing the revisions proposed herein (NYISO OATT, Attachment H, Section 14.2.3.2);

Attachment B: Marked Version of the NYPA Formula Rate Implementation Protocols showing the revisions proposed herein;

Attachment C: Clean Version of the NYPA Formula Rate Template containing the revisions proposed herein in Native Excel File Format (NYISO OATT, Attachment H, Section 14.2.3.1); and

Attachment D: Marked Version of the NYPA Formula Rate Template showing the revisions proposed herein.

IV. PROPOSED EFFECTIVE DATE

NYPA requests that the Commission accept the proposed revisions to the Formula Rate and Protocols effective on September 15, 2021, without suspension or hearing – a date more than 60 days after the date of this filing. The elements of this filing are consistent with NYPA’s previous commitments to the Commission, the Commission’s previous directives in the NYPA Incentive Order, and the LSPG-NY Segment A Settlement, and, accordingly, are fully supported. In the event that the Commission finds that a hearing is necessary, NYPA requests that the Commission suspend the filing for a nominal period of only one day so that the requested Formula Rate can go into effect on the requested effective date.

V. REQUESTED WAIVERS

Based on its status as a non-jurisdictional utility, NYPA respectfully requests that it be exempt from FERC’s filing fees under Section 381.108 of the Commission’s regulations and from compliance with any requirements of Section 35.13 of those regulations not otherwise satisfied by this filing.⁴⁴ In the event any additional waivers are

⁴⁴ See 18 C.F.R. § 381.108 (“States, municipalities and anyone who is engaged in the official business of the Federal Government are exempt from the fees required by this part and may file a petition for

required in connection with this filing, NYPA respectfully requests that the Commission grant such waivers.

VI. CORRESPONDENCE AND COMMUNICATIONS

The following persons are authorized to receive notices and communications with respect to this filing:

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NYPA respectfully requests that the individuals identified above be placed on the Commission's official service list in this proceeding and be designated for service pursuant to Rule 2010.⁴⁵

NYPA understands that the NYISO will provide an e-mail notification of this filing to the designated representatives of all NYISO customers.

VII. CONCLUSION

For the reasons set forth above, NYPA requests that the Commission accept for filing, effective September 15, 2021, the revisions to the NYPA Template and Protocols proposed filed herewith.

exemption in lieu of the applicable fee."); NYPA Incentive Order at P 49 (waiving filing fees for NYPA as requested due to its status as a municipal utility organized under the laws of New York State); *New York Indep. Sys. Operator*, 154 FERC ¶ 61,268 at PP 69-70 (granting NYPA's requested waiver of section 35.13 of the Commission's regulations because NYPA is not subject to the Commission's regulatory filing requirements and granting NYPA's requested exemption from the filing fee); *New York Indep. Sys. Operator*, 140 FERC ¶ 61,240 at PP 36-37 (same).

⁴⁵ 18 C.F.R. § 385.2010. To the extent necessary, NYPA requests waiver of Rule 2010(k) so as to allow the individuals indicated above to be placed on the official service list.

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Respectfully submitted,

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Attachments: Attachments A-D