

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Hecate Energy Greene County 3 LLC**

**v.**

**Docket No. EL21-49-001**

**Central Hudson Gas & Electric Corporation  
New York Independent System Operator, Inc.**

**REQUEST FOR LEAVE TO ANSWER AND LIMITED ANSWER  
OF THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rule 213 of the Commission’s<sup>1</sup> Rules of Practice and Procedure,<sup>2</sup> the New York Independent System Operator, Inc. (“NYISO”) respectfully submits this request for leave to answer and limited answer (“Answer”). This Answer addresses two points in the *Request for Rehearing of Hecate Energy Greene County 3 LLC* (“Rehearing Request”)<sup>3</sup> submitted by Hecate Energy Greene County 3 LLC (“Hecate”) in response to the Commission’s order denying Hecate’s complaint against the NYISO and Central Hudson Gas & Electric Corporation (“Central Hudson”) in the above captioned proceeding issued July 15, 2021 (“July 2021 Order”).<sup>4</sup> As detailed below, the Commission should deny the Rehearing Request.

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<sup>1</sup> All capitalized terms in this Answer will have the meanings set forth in the NYISO’s Open Access Transmission Tariff (“OATT”) or its Market Administration and Control Area Services Tariff (“Services Tariff”), unless otherwise specified.

<sup>2</sup> 18 C.F.R. § 385.213 (2021).

<sup>3</sup> *Hecate Energy Greene County 3 LLC v. Central Hudson Gas & Electric Corp., et al.*, Request for Rehearing of Hecate Energy Greene County 3 LLC, Docket No. EL21-49-001 (August 13, 2021) (“Rehearing Request”).

<sup>4</sup> *Hecate Energy Greene County 3 LLC v. Central Hudson Gas & Electric Corp., et al.*, Order Denying Complaint, 176 FERC ¶ 61,023 (2021) (“July 2021 Order”).

## **I. Request for Leave to Answer**

The NYISO recognizes that the Commission generally discourages answers to rehearing requests.<sup>5</sup> Nonetheless, the Commission has the discretion to accept answers to rehearing requests and has done so when those answers help to clarify complex issues, provide additional information, or are otherwise helpful in the Commission’s decision-making process.<sup>6</sup> The NYISO’s Answer fulfills these purposes as it is confined to clarifying limited, specific factual points raised in the Rehearing Request that are pertinent to the Commission’s decision-making here.<sup>7</sup> Accordingly, the NYISO respectfully requests leave to answer.

## **II. Answer**

The Commission should deny the Rehearing Request. Hecate has largely rehashed arguments previously raised in its complaint and in its numerous answers, which the Commission already evaluated and addressed in its July 2021 Order. The NYISO provides this limited Answer to address a new claim raised by the Rehearing Request in connection with the Commission’s determination that the NYISO used Reasonable Efforts in administering the Interconnection Request for Hecate’s Greene County 3 solar project (“Greene County 3 Project”).

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<sup>5</sup> See 18 C.F.R. § 385.213(a)(2) (2021).

<sup>6</sup> See *Black Oak Energy, L.L.C. v. PJM Interconnection, L.L.C.*, 125 FERC ¶ 61,042 at P 14 (2008) (accepting answer to rehearing request because the Commission determined that it has “assisted us in our decision-making process.”); *FPL Energy Marcus Hook, L.P. v. PJM Interconnection, L.L.C.*, 123 FERC ¶ 61,289 at P 12 (2008) (accepting “PJM’s and FPL’s answers [to rehearing requests], because they have provided information that assisted us in our decision-making process”); *New York. Indep. Sys. Operator, Inc.*, 123 FERC ¶ 61,044 at P 39 (2008) (accepting answers to answers because they provided information that aided the Commission’s decision-making process).

<sup>7</sup> By its silence, the NYISO does not concur with or acquiesce to any other argument made by the Rehearing Request. The NYISO has limited the scope of this Answer to conform to the Commission’s procedural rules.

As detailed in the NYISO's answers in this proceeding,<sup>8</sup> the primary drivers of the longer than usual time period from the submission of the Interconnection Request for the Greene County 3 Project to the execution of the facilities study agreement for the project were the complexities associated with the proposed interconnection and evolving circumstances as the study was being conducted. The July 2021 Order appropriately found that the NYISO and Central Hudson used Reasonable Efforts to administer the Interconnection Request for the Greene County 3 Project in accordance with the requirements of its Open Access Transmission Tariff ("OATT"), Commission precedent, and Order Nos. 2003 and 2006.<sup>9</sup> In particular, the Commission found that "given the complexities of the interconnection studies required, we find the time expended was not unreasonable in light of the study time frame in the NYISO OATT."<sup>10</sup> The Commission found further that Hecate had provided "no support to demonstrate that the delays were unreasonable or unduly discriminatory against Hecate."<sup>11</sup>

The Rehearing Request fails to rebut these determinations by the Commission or to do anything to satisfy Hecate's original burden to demonstrate that the NYISO violated the Federal Power Act or its OATT. Rather, Hecate challenges the Commission's statements in the July 2021 Order that the extended study period was due in part to: (i) Hecate's Interconnection Request evolving substantially over time; and (ii) activities that occurred after the execution of the facilities study agreement.

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<sup>8</sup> *Hecate Energy Greene County 3 LLC v. Central Hudson Gas & Electric Corp., et al.*, Answer of the New York Independent System Operator, Inc., Docket No. EL21-49-000 at pp 9-18 (March 15, 2021) ("NYISO Answer"); *Hecate Energy Greene County 3 LLC v. Central Hudson Gas & Electric Corp., et al.*, Request for Leave to Answer and Answer of the New York Independent System Operator, Inc., Docket No. EL21-49-000 at pp 4-6 (April 13, 2021).

<sup>9</sup> July 2021 Order at PP 41-45. The Commission confirmed that it does not require best or optimum efforts to process interconnection requests. *Id.* at P 43.

<sup>10</sup> *Id.* at P 44.

<sup>11</sup> *Id.* at P 45.

First, Hecate's Greene County 3 Project and affiliated projects certainly evolved substantially over time. Hecate provided an initial Large Facility Interconnection Request for a 50 MW solar generating project on August 17, 2016, before withdrawing the request and submitting separate Small Generator Interconnection Requests for two 20 MW projects and one 10 MW project.<sup>12</sup> The shared development of these projects further demonstrates their electrical proximity and their combined contributions to impacts on Central Hudson's system. For this reason, the NYISO notes that the evolution of the project prior to Hecate's submission of a stand-alone Interconnection Request for the 20 MW Greene County 3 Project on January 10, 2017, is significant to the Commission's understanding of the complexities associated with the study of the Greene County 3 Project and the appropriateness of conducting clustered interconnection studies. However, the evolution of the project did not directly contribute to the time required for the NYISO's administration of that particular Interconnection Request.<sup>13</sup> As described in the NYISO's answers in this proceeding, the primary driver for the extended time required to complete the system impact study for the Greene County 3 Project was the need to perform a clustered study for the Greene County 3 Project, two affiliated projects, and a fourth unaffiliated project seeking to interconnect at electrically near locations on facilities not secured by the NYISO. Hecate did not mention these additional projects and the need for the cluster study in its initial complaint and continues to downplay these complexities in its Rehearing Request. The July 2021 Order appropriately relied on these complexities in determining that the NYISO used Reasonable Efforts, specifically noting: (i) the complexities required for this

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<sup>12</sup> *Hecate Energy Greene County 3 LLC v. Central Hudson Gas & Electric Corp., et al.*, Answer of Central Hudson Gas & Electric Corporation, at p 8, Docket No. EL21-49-000 (March 15, 2021).

<sup>13</sup> It appears that the Commission attributed Central Hudson's statements concerning the initial 50 MW Interconnection Request to the NYISO. See July 2021 Order at P 14. In its initial answer, the NYISO simply noted in a footnote that Hecate had submitted a siting application with the New York Public Service Commission for a 50 MW facility in connection with the NYISO's description of the two affiliated generators that Hecate did not mention in its complaint. NYISO Answer at p 6 n. 16.

particular interconnection study, (ii) the additional study work that the NYISO had to perform to accommodate updates for the four projects throughout the study, and (iii) the additional analysis performed by the NYISO and Central Hudson to mitigate the need for non-Local System Upgrade Facilities for the four projects as a result of interim updates to Central Hudson's facilities.<sup>14</sup>

Second, Hecate disputes the Commission's reference to activities that occurred after the execution of the facilities study agreement. The NYISO pointed to these activities in response to Hecate's claims that the NYISO did not act in a manner substantially equivalent to those a party would use to protect its own interest. Specifically, these activities further demonstrated the extensive efforts that the NYISO and Central Hudson were making to assist the interconnection of the Greene County 3 Project and its affiliated projects throughout the entire interconnection study process. However, as described above, the primary driver of the additional time required to administer the Interconnection Request for the Greene County 3 Project was the need for a clustered system impact study and the related complexities, which predated the execution of the facilities study agreement.<sup>15</sup>

Neither of the assertions raised by Hecate are material to, or alter the basis for, the Commission's conclusion that the NYISO and Central Hudson used Reasonable Efforts in administering the Interconnection Request for the Greene County 3 Project in light of the complexities of the interconnection studies. Hecate continues to fail to satisfy its burden to demonstrate that the NYISO violated the Federal Power Act or its OATT.

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<sup>14</sup> July 2021 Order at P 44.

<sup>15</sup> As detailed in the NYISO's answer, Hecate also had to provide several iterations of data for one of its projects undergoing the clustered facilities study before the facilities study agreements were fully executed and the study commenced. *See* NYISO Answer at pp 7-8.

### III. Conclusion

Wherefore, for the above reasons, the Commission should deny Hecate's Rehearing Request.

Respectfully submitted,

/s/ Brian R. Hodgdon

Sara B. Keegan, Senior Attorney

Brian R. Hodgdon, Senior Attorney

New York Independent System Operator, Inc.

August 27, 2021

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 27th day of August 2021.

*/s/ Joy A. Zimmerlin*

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