

January 10, 2022

**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 Bakerstand Solar Project Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and Bakerstand Solar, LLC; Request for Waiver of the 60-Day Notice Period; Docket No. ER22-\_\_\_\_-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 Bakerstand Solar Project (NYISO Queue No. 667) entered into by the NYISO, National Grid, as the Connecting Transmission Owner, and Bakerstand Solar, LLC ("Bakerstand"), as the Interconnection Customer (the "Amended Agreement").<sup>3</sup> The Amended Agreement is labeled as Service Agreement No. 2572 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 the limited changes described in Part I.B of this filing letter and the changes previously accepted by the Commission for the prior version of this interconnection 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 December 29, 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 (2021).

<sup>3</sup> Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachments S, X, or Z 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 Bakerstand that was filed in the Commission's Docket No. ER21-465-000 on November 24, 2020,<sup>5</sup> and was accepted by the Commission on January 14, 2021 (the "Original Agreement").<sup>6</sup> The Original Agreement was based on and is consistent with the Pro Forma SGIA, but included certain non-conforming modifications, which were accepted by the Commission.

Bakerstand is constructing a 20 MW solar electricity generating facility to be located in Cattaraugus County, New York (the "Facility"). Details concerning the Facility are located in Attachment 2 of the Amended Agreement. Subsequent to the effective date of the Original Agreement, Bakerstand proposed updates to the milestone dates set forth in Attachment 4 of the Original Agreement. The NYISO determined the changes were non-material, and Bakerstand elected to move forward with amending the Original Agreement.

Accordingly, the NYISO, National Grid, and Bakerstand have revised Attachment 4 of the Original Agreement to reflect the updated milestone dates. In addition, the NYISO, National Grid, and Bakerstand have made revisions to the Original Agreement:

- To reflect that this is an "Amended and Restated" agreement; and
- To update Bakerstand's contact information in Article 13 of the Amended Agreement.

### **B. The Interconnection Agreement Closely Conforms to the Pro Forma SGIA Contained in Attachment Z of the NYISO OATT**

The Amended Agreement was fully executed on December 29, 2021, by the NYISO, National Grid, and Bakerstand. The Amended Agreement largely conforms to the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT with the exception of the non-conforming variations already accepted by the Commission for the Original Agreement and the change described below in this Part I.B. The Joint Filing Parties submit that the change specified below satisfies the Commission's standard for variations from the Pro Forma SGIA, because unique circumstances exist that require a non-conforming agreement.<sup>7</sup> Therefore, the

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<sup>5</sup> *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER21-465-000 (November 24, 2020).

<sup>6</sup> *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER21-465-000 (January 14, 2021).

<sup>7</sup> *See, e.g., PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

Joint Filing Parties respectfully request that the Commission accept the Amended Agreement with the non-conforming change.

## **1. Modifications Related to Billing and Security Arrangements**

Article 6.1.1 of the Pro Forma SGIA provides that a Connecting Transmission Owner shall bill the applicable Interconnection Customer on a monthly basis, or as otherwise agreed by those Parties, for its design, engineering, construction, and procurement costs. As permitted by Article 6.1.1, National Grid and Bakerstand have agreed to an alternative billing arrangement for Bakerstand to make advance payments to National Grid for the cost of Connecting Transmission Owner's Interconnection Facilities and upgrades, which advance payments will be in lieu of Bakerstand providing Security to National Grid. Accordingly, the parties have agreed to modify Article 6.1.1 of the Amended Agreement to reference the details of the alternative billing arrangement, which are set forth in Section B of Attachment 4 of the Amended Agreement. The Commission has previously accepted changes to the Pro Forma SGIA to reflect alternative billing and invoice arrangements agreed to by the parties.<sup>8</sup>

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

The Joint Filing Parties request an effective date of December 29, 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>9</sup>

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<sup>8</sup> See *New York Independent System Operator, Inc. and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER21-1088-000 (April 7, 2021) (accepting modifications to the pro forma Small Generator Interconnection Agreement to address alternative billing and invoicing procedures); see also *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER19-589-000 (Feb. 1, 2019) (same).

<sup>9</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 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).

### **III. Communications and Correspondence**

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

#### **For the NYISO<sup>10</sup>**

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<sup>10</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2021) 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**

A complete copy of this filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com). The NYISO will send an electronic link to this filing to the official representative of each of its customers and to each participant on its stakeholder committees. In addition, the NYISO will send an electronic copy of this filing to the New York State Public Service Commission and to the New Jersey Board of Public Utilities.

**VI. Conclusion**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of December 29, 2021.

Respectfully submitted,

/s/ Sara B. Keegan

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  
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