

February 2, 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 Sky High Solar Project Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and Sky High 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 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 Amended and Restated Small Generator Interconnection Agreement for the Sky High Solar Project (NYISO Queue No. 545) entered into by the NYISO, National Grid, as the Connecting Transmission Owner, and Sky High Solar LLC ("Sky High"), as the Interconnection Customer (the "Amended Agreement").³ The Amended Agreement is labeled as Service Agreement No. 2576 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 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 requirements⁴ to make the Amended Agreement effective as of January 19, 2022, which is the date of its full execution.

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2021).

³ 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.

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

A. Background

The Amended Agreement supersedes the Small Generator Interconnection Agreement among the NYISO, National Grid, and Sky High that was filed in the Commission's Docket No. ER21-474-000 on November 24, 2020,⁵ and was accepted by the Commission on January 19, 2021 (the "Original Agreement").⁶ 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.

Sky High is constructing a 20 MW solar electricity generating facility to be located in Onondaga 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, Sky High proposed updates to the milestone dates set forth in Attachment 4 of the Original Agreement. The NYISO determined the changes were non-material, and Sky High elected to move forward with amending the Original Agreement.

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

- To reflect that this is an "Amended and Restated" agreement;
- To update Sky High's contact information in Article 13 of the Amended Agreement;
- To correct typographical errors in the description of the location of the Point of Interconnection of the Facility in Attachment 2 and Attachment 3 of the Original Agreement; and

⁵ *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER21-474-000 (November 24, 2020).

⁶ *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER21-474-000 (January 19, 2021).

- To clarify that National Grid will perform certain work on Sky High's side of the Point of Change of Ownership in Attachment 2 consistent with the division of responsibilities set forth in the Original 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 January 19, 2022, by the NYISO, National Grid, and Sky High. 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. Therefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement.

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

The Joint Filing Parties request an effective date of January 19, 2022 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.⁷

⁷ 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 NYISO⁸

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⁸ 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

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 Amended Agreement for filing with an effective date of January 19, 2022.

Respectfully submitted,

Sara B. Keegan
*Counsel for the
New York Independent System Operator, Inc.*

/s/ Christopher J. Novak
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Niagara Mohawk Power Corporation d/b/a
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