

November 2, 2012

By Electronic Delivery

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

Re: Filing of an Executed Second Amended and Restated Small Generator Interconnection Agreement Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and Albany Energy LLC and Request for Waiver of the 60-Day Notice Period, Docket No. ER13-____-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act¹ and Section 35.12 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") (collectively, the "Joint Filing Parties") hereby tender for filing an executed Second Amended and Restated Small Generator Interconnection Agreement ("Second Amended Agreement") as Service Agreement No. 1168 among the NYISO, National Grid as the Transmission Owner, and Albany Energy LLC ("Albany Energy") as the Interconnection Customer.³

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. Further, as described in Part III of this letter, the Joint Filing Parties respectfully request a waiver of the Commission's prior notice requirements to make the Amended Agreement effective as of October 19, 2012.

I. Background

The Second Amended Agreement supersedes an Amended Small Generator Interconnection Agreement among the parties that was filed in Docket No. ER12-2045-000 as Service Agreement No. 1168 ("First Amended Agreement"). The First Amended Agreement was accepted by the Commission on August 8, 2012.⁴ The First Amended Agreement stated that

¹ 16 U.S.C. § 824d (2011).

² 18 C.F.R. § 35.12 (2011).

³ Capitalized terms not otherwise defined in this letter have the meaning set forth in Attachments S, X and Z of the NYISO's Open Access Transmission Tariff ("OATT").

⁴ *New York Independent System Operator, Inc. and Niagara Mohawk Power Corporation d/b/a National Grid*, Order, Docket No. ER12-2045-000 (issued August 8, 2012).

Albany Energy's landfill recovery generation facility ("Facility") would consist of three generating units with a combined capacity of 9.2 MW, associated breakers, and appurtenant equipment. The First Amended Agreement specified that the Point of Interconnection would be the tap point on the Connecting Transmission Owner's 34.5 kV Karner-Patroon Line #5. The First Amended Agreement also described the anticipated relocation of National Grid's generator lead line and the resulting changes to the configuration of Albany Energy's Interconnection Facilities at the Point of Change of Ownership.

II. Discussion of Changes

Since the filing of the First Amended Agreement, National Grid and Albany Energy have completed engineering and construction which resulted in minor modifications to the interconnection configuration required for the relocation of Albany Energy's generator lead line. As such, the descriptions contained in the First Amended Agreement regarding the interconnection facilities impacted by the relocation and the accompanying diagram reflecting such relocation require modification. In addition, the parties have agreed to remove language inadvertently included in the appendices to the First Amended Agreement. The Joint Filing Parties therefore submit this Second Amended Agreement to reflect the modifications to the First Amended Agreement.

Specifically, the Second Amended Agreement modifies the First Amended Agreement as follows:

- The body of the Second Amended Agreement reflects the following modifications to the body of the First Amended Agreement: (1) a new effective date – the date of execution of the Second Amended Agreement; and (2) changes to reflect that this is the "Second Amended and Restated" version of the Interconnection Agreement; (3) removal of the Service Agreement number from the header and insertion of the same on the cover page (required due to eTariff filing restrictions); and (4) formatting on the signature page;
- Attachment 2 and the Figure 2 diagram in Attachment 3 have been modified to clarify and provide updated technical specifications regarding the interconnection facilities' modifications associated with relocation of the generator lead line. (*e.g.*, the parties have modified the description, and diagram depiction, of the Point of Change of Ownership to accurately delineate between Albany Energy's and National Grid's interconnection facilities and reflect Albany Energy's election to relocate the existing fuse and switch instead of installing new);
- Attachment 4 has been modified to reflect updated Milestones; and
- Attachment 5 has been modified to remove unnecessary language inadvertently included in the First Amended Agreement.

The blacklined Second Amended Agreement attached to this filing shows all of these changes that were made to the currently effective First Amended Agreement. The Joint Filing Parties respectfully request that the Commission accept this Second Amended Agreement.

III. Proposed Effective Date and Request for Wavier of the 60-Day Notice Period

The Joint Filing Parties request an effective date of October 19, 2012 for the Amended Agreement, which is the date of execution. The Joint Filing Parties respectfully request that the Commission waive its prior notice requirement in order to permit the requested effective date. The Commission has previously permitted interconnection agreements to become effective upon the date of execution.⁵

IV. Communications and Correspondence

Communications regarding this filing should be directed to:

For the NYISO

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⁵ See, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, 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).

V. Documents Submitted

The NYISO submits the following documents:

- this filing letter;
- a clean version of the Second Amended Agreement (Attachment I);
- a backline version showing the changes between the First Amended Agreement and the Second Amended Agreement (Attachment II); and
- a graphic showing the original signatures obtained for the Second Amended Agreement (Attachment III).

VI. Service

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.

VII. Conclusion

Wherefore, the NYISO respectfully requests that the Commission accept the Amended Agreement effective as of October 19, 2012.

Respectfully submitted,

/s/ Sara B. Keegan

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

/s/Amanda C. Downey

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Counsel for National Grid USA
Service Company, Inc.