

October 6, 2022

**By Electronic Delivery**

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

Re: Notice of Cancellation of Service Agreement No. 2592 to the New York  
Independent System Operator, Inc.'s Open Access Transmission Tariff, Docket  
No. ER23-\_\_\_\_\_

Dear Ms. Bose:

Pursuant to Section 205(d) of the Federal Power Act<sup>1</sup> and Sections 35.9 and 35.15 of the Commission's regulations,<sup>2</sup> the New York Independent System Operator, Inc. ("NYISO") hereby tenders for filing and acceptance a Notice of Cancellation of the Engineering, Procurement, and Construction Agreement ("EPC Agreement") in connection with the Roaring Brook wind facility (NYISO Queue No. 546) among the NYISO, PPM Roaring Brook, LLC ("Roaring Brook") as the Developer, and New York Power Authority ("NYPA") as the Affected System Operator. The EPC Agreement is designated as Service Agreement No. 2592 under the NYISO's Open Access Transmission Tariff ("OATT"). Roaring Brook and NYPA have indicated to the NYISO that neither party opposes this filing.

**I. Background**

The EPC Agreement for which the NYISO submits this Notice of Cancellation was filed in the Commission's Docket No. ER21-1062 on February 5, 2021, as OATT Service Agreement No. 2592, and was accepted by the Commission on March 24, 2021.<sup>3</sup> The EPC Agreement governs the rates, terms, and conditions regarding the engineering, procurement, and construction of certain System Upgrade Facilities that are required on NYPA's system for Roaring Brook's 79.725 MW wind generation farm to interconnect reliably to the New York State Transmission System ("Affected System Upgrade Facilities").

**II. Notice of Cancellation**

Article 2.3.1 provides that the EPC Agreement shall terminate upon the completion of the term of the agreement. Article 2.2 of the EPC Agreement establishes the term. Specifically, the EPC Agreement shall remain in effect: "until the later of: (i) the Completion Date [*i.e.*, date on which the Affected System Operator has completed the EPC Services], and (ii) the date on which

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. §§ 35.9, 35.15 (2021).

<sup>3</sup> *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER21-1062-000 (Mar. 24, 2021).

the final payment of all invoices issued under this Agreement have been made pursuant to Sections 7.1 and 7.3 and any remaining Security has been released or refunded pursuant to Section 7.2.” Article 2.3.4 then provides that the termination of the agreement will not be effective until the parties have complied with all Applicable Laws and Regulations, including filing with the Commission a notice of termination of this agreement, which notice has been accepted for filing by the Commission.

On June 2, 2021, NYPA provided written notice informing the NYISO of its completion of the Affected System Upgrade Facilities. The parties subsequently confirmed that the final invoices under the EPC Agreement have been issued and settled and that the remaining Security has been refunded to Roaring Brook. There are no remaining obligations under this EPC Agreement. Therefore, pursuant to Articles 2.2 and 2.3.1 of the EPC Agreement, the EPC Agreement is terminated, subject to the Commission accepting a notice terminating the agreement. Accordingly, the NYISO hereby submits this Notice of Cancellation of Service Agreement No. 2592 of the NYISO OATT for the Commission’s acceptance.

### **III. Requested Effective Date**

The NYISO respectfully requests that the proposed cancellation become effective on December 6, 2022 (*i.e.*, the day after the end of the statutory 60-day notice period).

### **IV. Documents Submitted**

The NYISO submits the following document with this filing letter:

- NYPA’s June 2, 2021 letter advising NYISO of its completion of the Affected System Upgrade Facilities (Attachment I).

**V. Communications and Correspondence**

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

**For the NYISO**

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\*Designated to receive service.

**VI. 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 Public Service Commission and to the New Jersey Board of Public Utilities.

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**VII. Conclusion**

Wherefore, the NYISO respectfully requests that the Commission accept this Notice of Cancellation.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

cc: Janel Burdick  
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