

**THIS FILING LETTER DOES NOT CONTAIN ANY CEIL. ATTACHMENTS I, II, AND IV DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT III INCLUDES A ONE-LINE SCHEMATIC FOR WHICH CEIL DESIGNATION IS REQUESTED IN PART III BELOW, AND IS SUBMITTED SEPARATELY.**

October 11, 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 Dog Corners Solar Project Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and SunEast Dog Corners Solar LLC; Request for Critical Energy Infrastructure Information Designation; Request for Waiver of the 60-Day Notice Period; Docket No. ER23-\_\_\_\_-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 New York State Electric & Gas Corporation ("NYSEG") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Small Generator Interconnection Agreement for the Dog Corners Solar project (NYISO Queue No. 584) entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and SunEast Dog Corners Solar LLC ("SunEast"), as the Interconnection Customer (the "Amended Agreement").<sup>3</sup> The Amended Agreement is labeled as Service Agreement No. 2546 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. As described in Part I of this letter, 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 limited changes previously accepted by the Commission for the prior version of this interconnection agreement. Further, as described in Part

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. § 35.13 (2022).

<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.

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 September 27, 2022, which is the date of its full execution. Finally, as described in Part III of this letter, NYSEG requests that the one-line diagram included in the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

## **I. Discussion**

### **A. Background**

The Amended Agreement supersedes the Small Generator Interconnection Agreement for the Dog Corners Solar project among the NYISO, NYSEG, and SunEast that was filed in the Commission's Docket No. ER21-28-000 on October 5, 2021,<sup>5</sup> and was accepted by the Commission on November 19, 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.

SunEast is constructing a 20 MW solar electricity generating facility located in Cayuga County, New York (the "Facility"). Details regarding the Facility can be found in Attachment 2 of the Amended Agreement. Subsequent to the effective date of the Original Agreement, SunEast proposed updates to the milestone dates set forth in Attachment 4 of the Original Agreement. The NYISO determined that SunEast satisfied the requirements for extending the Commercial Operation Date for the Facility and SunEast elected to move forward with amending the Original Agreement.

Accordingly, the NYISO, NYSEG, and SunEast have revised Attachment 4 of the Original Agreement to reflect updated milestone dates. In addition, the NYISO, NYSEG, and SunEast have revised the Original Agreement:

- to reflect that this is an "Amended and Restated" agreement; and
- to update SunEast's contact information in Article 13 of the Amended Agreement;
- to change the form of security described in Attachment 4 from only an advance payment approach to include also a letter of credit as agreed upon by NYSEG and

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<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).

<sup>5</sup> *New York Independent System Operator and New York State Electric & Gas Corporation*, Docket No. ER21-28-000 (October 5, 2021).

<sup>6</sup> *New York Independent System Operator and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER21-28-000 (November 19, 2021).

Sun East; and

- to add additional details from the original facilities study for the Dog Corners Solar project to Attachment 2 and Attachment 4 of the Amended Agreement.

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

The Amended Agreement was fully executed on September 27, 2022 by the NYISO, NYSEG, and SunEast. The Amended Agreement largely conforms to the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT and does not include non-conforming variations from the Pro Forma SGIA other than those already accepted by the Commission for the Original Agreement. Therefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement with the non-conforming changes.

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

The Joint Filing Parties request an effective date of September 27, 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.<sup>7</sup>

**III. Request for CEII Treatment**

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>8</sup> NYSEG requests that the one-line diagram included as Attachment 3 of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>9</sup> The diagram

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<sup>7</sup> See, e.g., *New York Independent System Operator, Inc. and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER22-2062-000 (August 5, 2022) (accepting interconnection agreement effective as of date of execution); see also, 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) (same); *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).

<sup>8</sup> 18 C.F.R. §§ 388.112 and 388.113 (2022).

<sup>9</sup> As required by Section 388.113(d)(1)(i) of the Commission's regulations, NYSEG has described in the filing letter how the one-line diagram in Attachment 3 of the Amended Agreement satisfies the definition of critical energy infrastructure information as that term is defined in Section 388.113(c)(1). In addition, as required by Section 388.113(d)(1)(ii) the cover page of the filing letter and the relevant page of the Amended Agreement that contains critical energy infrastructure information is labelled as including CEII and marked DO NOT RELEASE, and a Public and CEII version of the Amended Agreement are being filed with this letter. The CEII material is redacted in the Public version. Finally, as required by Section 388.113(d)(1)(i), NYSEG requests that the Commission designate the CEII material submitted on October 11, 2022, with the full five-year CEII designation

contains detailed, one-line schematics of NYSEG's facilities that, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. The diagram provides more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, the schematics show the exact nature and specific location of facilities used to maintain the reliability of the New York State bulk power system.

The diagram, in NYSEG's assessment, reveals such critical information related to the facilities depicted therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of the CEII diagram would pose a threat to the reliability of the New York State bulk power system and the health and safety of New York residents. Moreover, the information revealed in this schematic reveals CEII, which the Commission has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The diagrams have been omitted from the Public version of the Amended Agreement included in this filing.

The Joint Filing Parties are electronically submitting a non-public version of this filing. The diagram is included only in the non-public version of the Amended Agreement in the filing. The non-public diagram is marked: "**FIGURE CONTAINS CEII – DO NOT RELEASE PURSUANT TO 18 C.F.R. §§ 388.112 and 388.113.**" The non-public diagram should be treated as CEII reviewable by Commission Staff. In accordance with the Commission's April 14, 2017 notice on labeling of non-public information, each page of the non-public version of the filing is marked "**CUI//CEII.**"<sup>10</sup> A placeholder has been included in place of the non-public diagram in the public version of the Amended Agreement.

All communications relating to this request for privileged and confidential treatment should be addressed to NYSEG's Counsel listed below.

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provided for in Section 388.113(e)(1) as the information provided in the one-line diagrams will continue to satisfy the definition of critical energy infrastructure information for this entire period.

<sup>10</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

**IV. Communications and Correspondence**

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

**For the NYISO<sup>11</sup>**

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<sup>11</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2022) to permit service on counsel in both Washington, D.C. and Richmond, VA.

**V. Documents Submitted**

The Joint Filing Parties submit the following documents with this filing letter:

- A clean Public version of the Amended Agreement (Attachment I);
- A blacklined Public version of the Amended Agreement showing the changes from the Original Agreement (Attachment II);
- A clean CEII version of the Amended Agreement (Attachment III); and
- The signature pages for the Amended Agreement (Attachment IV).

**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.

**VII. Conclusion**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of September 27, 2022.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

/s/ Danielle Mechling

Danielle Mechling

*Counsel for*

*New York State Electric & Gas Corporation*

cc: Janel Burdick  
Robert Fares  
Jette Gebhart  
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