

30.11 Standard Large Generator Interconnection Agreement (LGIA)

30.11.1 Tender

~~Simultaneously with the~~ As soon as practicable upon completion of the Developer decision process and satisfaction of Security posting requirements described in Section ~~VIII-25.8~~ of ~~OATT~~ Attachment S, ~~and~~ acceptance by the Developer of its Attachment S cost allocation, the NYISO ~~and Connecting Transmission Owner~~ shall tender to the Developer and Connecting Transmission Owner a draft Standard Large Generator Interconnection Agreement together with draft appendices completed to the extent practicable. The draft Standard Large Generator Interconnection Agreement shall be in the form of the NYISO's Commission-approved Standard Large Generator Interconnection Agreement, which is in Appendix 6 to this Attachment X.

~~Within thirty (30) Calendar Days after the tender by the NYISO and Connecting Transmission Owner, Developer shall execute and return the completed draft LGIA appendices.~~

30.11.2 Negotiation

Notwithstanding Section 30.11.1, at the request of the Developer the NYISO and Connecting Transmission Owner shall begin negotiations with the Developer concerning the LGIA and its appendices at any time after the Developer executes the Class Year Interconnection Facilities Study Agreement. The NYISO, Connecting Transmission Owner and the Developer shall finalize the appendices and negotiate concerning any disputed provisions of the draft LGIA and its appendices ~~for not more than sixty (60) Calendar Days after tender of the final Intereconnection Facilities Study Report subject to the six (6) month time limitation specified below in this Section 30.11.2.~~ If the Developer determines that negotiations are at an impasse, it may request termination of the negotiations at any time after tender of the draft LGIA pursuant to Section 30.11.1 and request submission of the unexecuted LGIA to FERC or initiate Dispute

Resolution procedures pursuant to Section 30.13.5. If the Developer requests termination of the negotiations, but within sixty (60) Calendar Days thereafter fails to request either the filing of the unexecuted LGIA or initiate Dispute Resolution, it shall be deemed to have withdrawn its Interconnection Request. Unless otherwise agreed by the Parties, if the Developer has not executed the LGIA, requested filing of an unexecuted LGIA, or initiated Dispute Resolution procedures pursuant to Section 30.13.5 within ~~sixty (60) Calendar days~~ six (6) months of tender of draft LGIA, it shall be deemed to have withdrawn its Interconnection Request. ~~The NYISO and Connecting Transmission Owner shall provide to the Developer a final LGIA within fifteen (15) Business Days after the completion of the negotiation process.~~

30.11.3 Execution and Filing

Within fifteen (15) Business Days after receipt of the ~~final-executed~~ LGIA, the Developer shall provide the NYISO and Connecting Transmission Owner (A) reasonable evidence of continued Site Control or (B) posting of \$250,000, non-refundable additional security with the Connecting Transmission Owner, which shall be applied toward future construction costs. At the same time, Developer also shall provide the NYISO and Connecting Transmission Owner reasonable evidence that one or more of the following milestones in the development of the Large Generating Facility, at the Developer election, has been achieved: (i) the execution of a contract for the supply or transportation of fuel to the Large Generating Facility; (ii) the execution of a contract for the supply of cooling water to the Large Generating Facility; (iii) execution of a contract for the engineering for, procurement of major equipment for, or construction of, the Large Generating Facility; (iv) execution of a contract for the sale of electric energy or capacity from the Large Generating Facility; or (v) application for an air, water, or land use permit.

The Developer shall either: (i) execute ~~two~~three (3) originals of the tendered Standard Large Generator Interconnection Agreement and return them to the NYISO and Connecting Transmission Owner; or (ii) request in writing that the NYISO and Connecting Transmission Owner file with FERC an LGIA in unexecuted form. As soon as practicable, but not later than ten (10) Business Days after receiving either the two executed originals of the tendered LGIA (if it does not conform with a Commission-approved standard form of interconnection agreement) or the request to file an unexecuted LGIA, the NYISO and Connecting Transmission Owner shall file the LGIA with FERC. The NYISO will draft the portions of the LGIA and appendices that are in dispute and assume the burden of justifying any departure from the pro forma LGIA and appendices. The NYISO will provide its explanation of any matters as to which the Parties disagree and support for the costs that the Connecting Transmission Owner proposes to charge to the Developer under the LGIA. An unexecuted LGIA should contain terms and conditions deemed appropriate by the NYISO for the Interconnection Request. The Connecting Transmission Owner will provide in the filing any comments it has on the unexecuted agreement, including any alternative positions, it may have with respect to the disputed provisions. If the Parties agree to proceed with design, procurement, and construction of facilities and upgrades under the agreed-upon terms of the unexecuted LGIA, they may proceed pending Commission action.

30.11.4 Commencement of Interconnection Activities

If the Developer executes the final Standard Large Generator Interconnection Agreement, the NYISO, Connecting Transmission Owner and the Developer shall perform their respective obligations in accordance with the terms of the LGIA, subject to modification by FERC. Upon

submission of an unexecuted LGIA in accordance with Section 30.11.3, the Parties shall promptly comply with the unexecuted LGIA, subject to modification by FERC.