

February 15, 2023

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 Fairway Solar Project (Queue Position No. 848) Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and SunEast Fairway Solar LLC; Request for Waiver of the 60-Day Notice Period; Docket No. ER23-____-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 Fairway Solar project (NYISO Queue Position No. 848) entered into by the NYISO, National Grid, as the Connecting Transmission Owner, and SunEast Fairway Solar LLC ("SunEast"), as the Interconnection Customer (the "Amended Agreement").³ The Amended Agreement is labeled as Service Agreement No. 2647 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 limited non-conforming exceptions previously accepted by the Commission for the prior version of this 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 February 3, 2023, which is the date of its full execution.

I. Discussion

The Amended Agreement supersedes the Small Generator Interconnection Agreement among the NYISO, National Grid, and SunEast that was filed in the Commission's Docket No.

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2022).

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).

ER21-2907-000 on September 20, 2021,⁵ and was accepted by the Commission on November 18, 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.

SunEast is constructing a 20 MW solar generation farm to be located in Ogdensburg, New York, which was studied in the NYISO’s interconnection queue as Queue Position No. 848 (the “Facility”). The Facility will interconnect to certain facilities of National Grid that are part of the New York State Transmission System. Additional 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 changes to the project’s Commercial Operation Date and to the security and payment approach for the work under the agreement and requested that the parties amend the Original Agreement. Accordingly, the NYISO, National Grid, and SunEast have made the following modifications to the Original Agreement:

- Revised the milestones in Attachment 4;
- Revised the description of security in Attachment 4, as SunEast will provide security rather than using a prepayment approach;
- Removed the non-conforming change accepted by the Commission to the invoice provision in Article 6.1.1 of the Original Agreement as SunEast will no longer be using a prepayment approach;
- Revised the cover page and preamble to reflect that this is the “Amended and Restated” Agreement; and
- Updated SunEast’s and National Grid’s contact information in Article 13.

The Amended Agreement does not include variations from the Pro Forma SGIA other than the variations already accepted by the Commission for the Original Agreement.

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

The Joint Filing Parties request an effective date of February 3, 2023, 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

⁵ *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Docket No. ER21-2907-000 (Sept. 20, 2021).

⁶ *New York Independent System Operator and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER21-2907-000 (Nov. 18, 2021).

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*

III. Communications and Correspondence

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

For the NYISO⁸

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IV. Documents Submitted

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

- A clean version of the Amended Agreement (Attachment I);

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).

⁸ 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.

- 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

A complete copy of this filing will be posted on the NYISO's website at 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.

VI. Conclusion

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing with an effective date of February 3, 2023.

Respectfully submitted,

/s/ Sara B. Keegan

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

/s/ Christopher J. Novak

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