

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

August 22, 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 Second Amended and Restated Standard Large Generator Interconnection Agreement for the Baron Winds Project (Queue Position No. 396) Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and Baron Winds LLC; Request for Critical Energy Infrastructure Information Designation; and 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 New York State Electric & Gas Corporation ("NYSEG") (together, the "Joint Filing Parties") hereby tender for filing an executed Second Amended and Restated Standard Large Generator Interconnection Agreement for the Baron Winds project (NYISO Queue Position No. 396) entered into among the NYISO, NYSEG, as the Connecting Transmission Owner, and Baron Winds LLC ("Baron Winds"), as the Developer (the "Second Amended Agreement").³ The Second Amended Agreement is labeled as Service Agreement No. 2487 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Second Amended Agreement for filing. The Second Amended Agreement conforms to the NYISO's *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") that is contained in Attachment X to the OATT with limited non-conforming exceptions previously accepted by the Commission for the prior versions 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

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 or X of the NYISO OATT, and if not defined therein, in the NYISO OATT and NYISO Market Administration and Control Area Services Tariff.

requirements⁴ to make the Second Amended Agreement effective as of August 8, 2023, 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 Second Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

I. Discussion

The Second Amended Agreement supersedes the Amended and Restated Large Generator Interconnection Agreement (“Amended Agreement”) among the NYISO, NYSEG, and Baron Winds concerning the Baron Winds project. The NYISO and NYSEG filed the Amended Agreement in the Commission’s Docket No. ER21-1312-000 on March 10, 2021,⁵ which agreement was accepted by the Commission on May 7, 2021.⁶ The Amended Agreement superseded the Large Generator Interconnection Agreement among the NYISO, NYSEG, and Baron Winds that was filed in the Commission’s Docket No. ER20-1100-000 on February 27, 2020,⁷ and was accepted by the Commission on April 2, 2020 (the “Original Agreement”).⁸ The Original Agreement was based on and is consistent with the Pro Forma LGIA, but included certain non-conforming modifications, which were accepted by the Commission.

Subsequent to the execution of the Amended Agreement, Baron Winds proposed changes concerning the wind turbines and associated equipment for phase 2 of the project and updated its Commercial Operation Date for phase 2. The NYISO determined that the changes proposed by Baron Winds were not material, and Baron Winds elected to move forward with the changes.

Accordingly, the NYISO, NYSEG, and Baron Winds have revised Appendices A and C of the Amended Agreement to account of the changes to the project wind turbines and related equipment. The parties also updated the milestones table in Appendix B, updated the description of NYSEG’s operating and maintenance payment rules in Appendix A, clarified that Developer had paid the required security under the agreement, and clarified the description of the Point of Interconnection. Finally, the parties revised the agreement to indicate that this is the “Second Amended and Restated” version of the agreement and to correct the inadvertent removal of “Standard Large Generator” from the cover page of the prior versions of this agreement.

The Second Amended Agreement does not include variations from the Pro Forma LGIA other than those already accepted by the Commission for the prior versions of the agreement.

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).

⁵ *New York Independent System Operator and New York State Electric & Gas Corp.*, Docket No. ER21-1312-000 (March 10, 2021).

⁶ *New York Independent System Operator and New York State Electric & Gas Corp.*, Letter Order, Docket No. ER21-1312-000 (May 7, 2021).

⁷ *New York Independent System Operator and New York State Electric & Gas Corp.*, Docket No. ER20-1100-000 (February 27, 2020).

⁸ *New York Independent System Operator and New York State Electric & Gas Corp.*, Letter Order, Docket No. ER20-1100-000 (April 2, 2020).

Therefore, the Joint Filing Parties respectfully request that the Commission accept the Second Amended Agreement.

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

The Joint Filing Parties request an effective date of August 8, 2023, for the Second 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.⁹

III. Request for CEII Treatment

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,¹⁰ NYSEG requests that the one-line diagram included as Figure A-1 in Appendix A of the Second Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").¹¹ The diagram contains a detailed, one-line schematic 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 schematic shows 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

⁹ 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 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).

¹⁰ 18 C.F.R. §§ 388.112 and 388.113 (2022).

¹¹ 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 Figure A-1 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 Second 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 Second 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 August 22, 2023, with the full five-year CEII designation provided for in Section 388.113(e)(1) as the information provided in the one-line diagram will continue to satisfy the definition of critical energy infrastructure information for this entire period.

determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The diagram has been omitted from the Public version of the Second 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 Second 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.”**¹² A placeholder has been included in place of the non-public diagram in the public version of the Second Amended Agreement.

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

IV. Communications and Correspondence

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

For the NYISO¹³

Robert E. Fernandez, Executive Vice
President, General Counsel & Chief
Compliance Officer
Karen Georgenson Gach, Deputy General
Counsel
*Sara B. Keegan, Assistant General Counsel
New York Independent System Operator, Inc.
10 Krey Boulevard
Rensselaer, NY 12144
Tel: (518) 356-6000
Fax: (518) 356-4702
skeegan@nyiso.com

*Ted J. Murphy
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, D.C. 20037
Tel: (202) 955-1500
Fax: (202) 778-2201
tmurphy@hunton.com

*Michael J. Messonnier Jr.
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
Tel: (804) 788-8200
Fax: (804) 344-7999
mmessonnier@hunton.com

¹² See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

¹³ 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.

Honorable Kimberly D. Bose

August 22, 2023

Page 5

For New York State Electric & Gas Corporation

*Timothy Lynch
Director—Electric Transmission Services
New York State Electric & Gas Corporation
18 Link Drive
Binghamton, NY 13904
Tel: 607.206.7542
TJLynch@nyseg.com

Danielle Mechling
FERC Legal Director
Avangrid Networks, Inc.
180 Marsh Hill Road
Orange, CT 06477
Tel: 203.836.7464
Danielle.mechling@avangrid.com

*Designated to receive service.

V. Documents Submitted

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

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

VI. 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.

Honorable Kimberly D. Bose

August 22, 2023

Page 6

VII. Conclusion

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Second Amended Agreement for filing with an effective date of August 8, 2023.

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
Emily Chen
Matthew Christiansen
Robert Fares
Jignasa Gadani
Jette Gebhart
Leanne Khammal
Jaime Knepper
Kurt Longo
David Morenoff
Douglas Roe
Eric Vandenberg