

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

September 7, 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 Large Generator Interconnection Agreement for the Bluestone Wind Project (Queue Position No. 579) Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and Bluestone Wind 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 Large Generator Interconnection Agreement for the Bluestone Wind project (NYISO Queue Position No. 579) entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and Bluestone Wind LLC ("Bluestone Wind"), as the Developer (the "Amended Agreement").<sup>3</sup> The Amended Agreement is labeled as Service Agreement No. 2629 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. With the limited exception described in Part I of this letter, the 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. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver of the Commission's

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

prior notice requirements<sup>4</sup> to make the Amended Agreement effective as of August 24, 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 Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

## **I. Discussion**

### **A. Background**

Bluestone Wind is constructing a 111.8 MW wind farm located in Broome, New York (“Facility”). The Facility will interconnect to certain facilities of NYSEG that are part of the New York State Transmission System. The Amended Agreement supersedes an existing Large Generator Interconnection Agreement for the Facility with NYISO OATT Service Agreement No. 2629 among the NYISO, NYSEG, and Bluestone Wind with an effective date of June 15, 2021 (“Original Agreement”). The Original Agreement fully conformed to the Pro Forma LGIA and, accordingly, was not filed with the Commission.

Subsequent to the effective date of the Original Agreement, NYSEG informed the NYISO that a 115 kV breaker replacement listed as Bluestone Wind’s responsibility under the Original Agreement did not need to be replaced to accommodate the Facility, and the NYISO determined that the Original Agreement should be amended to reflect the removal of this equipment.

Accordingly, the NYISO, NYSEG, and Bluestone Wind have revised Appendix A of the Amended Agreement and updated the one-line diagram to account for the change in equipment. The parties also updated the milestones table in Appendix B, clarified that Bluestone Wind will have construction responsibility for System Upgrade Facilities, and revised Article 5.11 to reflect that NYSEG will not transfer operational control of NYSEG’s Attachment Facilities and the Stand-Alone System Upgrade Facilities to the NYISO.<sup>5</sup> In addition, the parties clarified the description of the size of the facility in Appendix C. Finally, the parties revised the Original Agreement to indicate that this is an “Amended and Restated” version and to correct the inadvertent removal of “Standard Large Generator” from the cover page of the Original Agreement.

### **B. The Amended Agreement Closely Conforms to the Pro Forma LGIA Contained in Attachment X of the OATT**

The Amended Agreement was fully executed on August 24, 2023, by the NYISO, NYSEG, and Bluestone Wind. The Amended Agreement closely follows the language in the Pro Forma LGIA contained in Attachment X of the OATT with the one exception described below in

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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> The change to Article 5.11 in the body of the agreement is an update to a built-in placeholder in the NYISO’s Pro Forma LGIA and does not constitute a non-conforming change to the agreement.

this Part I.B. The Joint Filing Parties submit that the change specified below satisfies the Commission's standard for variations from the Pro Forma LGIA, because unique circumstances exist that require a non-conforming agreement.<sup>6</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept this limited non-conforming change.

### **1. Modification to Address Phasor Measurement Unit Requirements**

Article 9.10 of the Pro Forma LGIA requires Developers to install, at their expense, a phasor measurement unit ("PMU") on the low side of the step-up transformer, along with related PMU equipment, and to collect and transmit PMU data to the NYISO and to the Connecting Transmission Owner. The NYISO introduced the PMU requirements in the Pro Forma LGIA in 2017 to enhance the NYISO's ability to monitor the transmission grid for the New York Control Area and to determine real-time grid stability margins.<sup>7</sup>

The PMU requirements require a Developer to install a PMU on the low side of the transformer and then transmit the PMU data via the Connecting Transmission Owner's system. NYSEG, however, does not currently possess the capability to obtain the data from Bluestone Wind or to transmit the data to the NYISO, and the NYISO is unable at this time to accept PMU data directly from Bluestone Wind. The parties therefore agreed to reserve Article 9.10 and not apply the PMU requirements to the Amended Agreement. The Commission has previously accepted this change to NYISO's interconnection agreements.<sup>8</sup>

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

The Joint Filing Parties request an effective date of August 24, 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.<sup>9</sup>

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<sup>6</sup> See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

<sup>7</sup> See *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER18-80-000 (Dec. 7, 2017) (accepting NYISO's tariff revisions to improve its interconnection process, including the insertion of PMU requirements in Article 9.10 of the Pro Forma LGIA).

<sup>8</sup> See, e.g., *New York Independent System Operator, Inc., et al.*, Letter Order, Docket No. ER23-78-000 (Dec. 6, 2022) (accepting non-conforming revisions to reserve phasor measurement unit requirements).

<sup>9</sup> 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 as requested by the parties); *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).

### III. Request for CEII Treatment

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,<sup>10</sup> NYSEG requests that the one-line diagram included as the figure in Appendix A of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").<sup>11</sup> The diagram 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 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 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 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>12</sup> A placeholder has been included in place of the non-public diagram in the public version of the Amended Agreement.

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<sup>10</sup> 18 C.F.R. §§ 388.112 and 388.113 (2022).

<sup>11</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 Appendix A 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 September 7, 2023, with the full five-year CEII designation 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>12</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

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 NYISO<sup>13</sup>**

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<sup>13</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 August 24, 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	Jignasa Gadani	Kurt Longo
	Emily Chen	Jette Gebhart	David Morenoff
	Matthew Christiansen	Leanne Khammal	Douglas Roe
	Robert Fares	Jaime Knepper	Eric Vandenberg