

**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 12, 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 Scipio Solar Project (Queue Position No. 590) Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and SunEast Scipio Solar, LLC; Request for Critical Energy Infrastructure Information Designation; Request for Waiver of the 60-Day Notice Period; Docket No. ER24-\_\_\_\_-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 Scipio Solar project (NYISO Queue Position No. 590) entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and SunEast Scipio Solar, LLC ("SunEast"), as the Interconnection Customer (the "Amended Agreement").<sup>3</sup> The Amended Agreement is labeled as Service Agreement No. 2527 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 certain limited changes described in Part I below and other changes previously accepted by the Commission for the prior version of this

---

<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.

interconnection agreement. Further, as described in Part 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, 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**

The Amended Agreement supersedes the Small Generator Interconnection Agreement for the Scipio Solar project among the NYISO, NYSEG, and Duke Energy Renewables Solar, LLC that was filed in the Commission's Docket No. ER20-1603-000 on April 20, 2020,<sup>5</sup> and was accepted by the Commission on June 18, 2020 (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 an 18 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, the Facility was sold from its initial developer to SunEast. In addition, 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 the new project developer;
- to reflect that this is an "Amended and Restated" agreement;
- to update SunEast's contact information in Article 13 of the Amended Agreement;
- to update NYSEG's operation and maintenance requirements for the Connecting

---

<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, et al.*, Docket No. ER20-1603-000 (April 20, 2020).

<sup>6</sup> *New York Independent System Operator, et al.*, Letter Order, Docket No. ER20-1603-000 (June 18, 2020).

Transmission Owner's Interconnection Facilities in Attachment 2;

- to adopt a prepayment approach for the invoicing under the Amended Agreement as set forth in Section 2 of Attachment 4; and
- to detail in Attachment 6 that certain remote end terminal work may be required at certain NYSEG substations in connection with the interconnection.

**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, 2023, 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 with the exceptions previously accepted by the Commission for the Original Agreement and certain additional exceptions described below in this Part I.B. The Joint Filing Parties submit that the changes specified below satisfy the Commission's standard for variations from the Pro Forma SGIA, because unique circumstances exist that require a non-conforming agreement.<sup>7</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept the Amended Agreement with the non-conforming changes.

**1. Modifications Related to Billing and Security Arrangements**

Article 6.1.1 of the Pro Forma SGIA provides that a Connecting Transmission Owner shall bill the applicable Interconnection Customer on a monthly basis, or as otherwise agreed by those Parties, for its design, engineering, construction, and procurement costs. As permitted by Article 6.1.1, NYSEG and SunEast have agreed to an alternative billing arrangement for SunEast to make advance payments to NYSEG for the cost of Connecting Transmission Owner's oversight work under the Amended Agreement. Accordingly, the parties have agreed to modify Article 6.1.1 of the Amended Agreement to reference the details of the alternative billing arrangement, which are set forth in Section 2 of Attachment 4 of the Amended Agreement. The Commission has previously accepted changes to the Pro Forma SGIA to reflect alternative billing and invoice arrangements agreed to by the parties.<sup>8</sup>

---

<sup>7</sup> See, e.g., *PJM Interconnection, LLC*, 111 FERC ¶ 61,163 at PP 10-11, *reh'g denied*, 112 FERC ¶ 61,282 (2005).

<sup>8</sup> See *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 modifications to the pro forma Small Generator Interconnection Agreement to address alternative billing and invoicing procedures); see also *New York Independent System Operator, Inc. and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER21-2612-000 (October 1, 2021) (same); *New York Independent System Operator, Inc. and Niagara Mohawk Power Corporation d/b/a National Grid*, Letter Order, Docket No. ER21-1088-000 (April 7, 2021) (same); see also *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER19-589-000 (Feb. 1, 2019) (same).

## **2. Interconnection Customer Construction of Connecting Transmission Owner's Interconnection Facilities and Upgrades**

For the Original Agreement, the Commission accepted the modification to Article 1.5.3 to provide that the Interconnection Customer could, with NYSEG's agreement, construct the Connecting Transmission Owner's Interconnection Facilities associated with the Facility. The parties modified Article 1.5.3 to clarify that the Interconnection Customer could also, with NYSEG's agreement, construct the Upgrades identified for its Facility.

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

The Joint Filing Parties request an effective date of September 27, 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>

## **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 Attachment 3 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

---

<sup>9</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>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 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 12, 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.

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>12</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.

#### **IV. Communications and Correspondence**

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

**For the NYISO<sup>13</sup>**

---

<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).

<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.

Honorable Kimberly D. Bose

October 12, 2023

Page 6

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@huntonak.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@huntonak.com

### **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 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, 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