

October 20, 2023

The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**Re: Niagara Mohawk Power Corporation
Docket No. ER24-____-000**

**Filing of Interconnection Service Agreement with Cedar Rapids
Transmission Company Limited**

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (“FPA”),¹ and Part 35 of the Federal Energy Regulatory Commission’s (“Commission”) regulations,² Niagara Mohawk Power Corporation (“Niagara Mohawk”) submits for filing an amended Interconnection Service Agreement (“Agreement”) between Niagara Mohawk and Cedar Rapids Transmission Company Limited (“CRT”), designated as Service Agreement No. 336 under the New York Independent System Operator, Inc.’s (“NYISO”) Open Access Transmission Tariff (“OATT”). Niagara Mohawk requests that the Commission accept the Agreement, as amended by this filing, effective as of the date agreed to by the parties, September 20, 2023.

I. Background

Niagara Mohawk is a public utility subject to the Commission’s jurisdiction that owns transmission facilities located in New York which have been placed under the operational control of the NYISO.

Cedar Rapids is a corporation organized and existing under the laws of Canada and a subsidiary of Hydro-Québec. CRT owns and operates transmission facilities in the Provinces of Québec and Ontario, Canada.

The Niagara Mohawk and CRT transmission systems interconnect at a point near Massena, New York, close to the border between the United States and Canada. The Agreement sets forth the terms and conditions applicable to the interconnection of the

¹ 16 U.S.C. § 824d.

² 18 C.F.R. Part 35.

two parties' transmission systems, and the operation and maintenance of certain interconnection facilities. The Agreement describes, among other things, the requirements for the safe operation of the interconnection facilities and the circumstances under which they can be disconnected. No charges for interconnection service are imposed under the Agreement.

Niagara Mohawk and CRT executed the original version of the Agreement in 2004, when it was also filed with and accepted by the Commission.³

II. Filing Requirements and Description of the Amendment to the Agreement

Section 205 of the FPA authorizes the Commission to require utilities to file all rates and charges that are “for or in connection with,” and all agreements that “affect or relate to,” jurisdictional transmission or sales of electric energy.⁴ The Commission has provided guidance regarding some of the specific agreements that must be filed under this authority. The Commission has found that “[i]nterconnection agreements between utilities come within section 205 of the FPA.”⁵ The Commission also has “jurisdiction over ‘transmission’ facilities, which may be used for wholesale sales or unbundled retail sales and which are subject to an OATT.”⁶ In addition, the original version of the Agreement is on file with the Commission.

Niagara Mohawk recognizes that the Commission may find the amended Agreement to be a jurisdictional agreement that must be filed. Therefore, Niagara Mohawk is submitting the amended Agreement for Commission acceptance.

The amendment to the Agreement makes the following changes: (1) updating the notice provisions in Article II and the effective date and term provisions in Article 7.1 of the Agreement; and (2) adding a new Schedule A-1 to the Agreement regarding representatives of Niagara Mohawk and CRT.⁷ A red-lined document showing the

³ See *Niagara Mohawk Power Corp.*, Commission letter order, Docket No. ER05-47-000 (Dec. 7, 2004).

⁴ 16 U.S.C. §§ 824d(a), -(c).

⁵ *Prior Notice and Filing Requirements Under Section II of the Federal Power Act*, 64 FERC ¶ 61,139, at 61,991 (1993).

⁶ *Standardization of Generator Interconnection Agreements and Procedures*, Order No. 2003-C, FERC Stats. & Regs. ¶ 31,190, at P 51 (2005).

⁷ These changes are specified in the agreement between Niagara Mohawk and CRT to amend the Agreement, which is provided in Attachment C to this filing. The agreement in Attachment C hereto contemplates that the information regarding representatives of Niagara Mohawk and CRT will be included in new Schedule B to the Agreement, but because the Agreement already contains a Schedule B (containing common operating instructions for Niagara Mohawk and CRT), the information regarding representatives of Niagara Mohawk and CRT is included in Schedule A-1 to the Agreement rather than in Schedule B thereto.

differences between the original Agreement and the Agreement as amended by this filing is provided in Attachment B hereto.

III. Effective Date

Niagara Mohawk respectfully requests that the Commission accept the amended Agreement effective as of September 20, 2023, the effective date agreed to by the parties.⁸ The Commission's regulations require that a service agreement be filed within 30 days of its effective date or such other date as may be specified by the Commission.⁹ Niagara Mohawk is filing the amended Agreement within 30 days of the effective date described above.

Good cause exists for the Commission to grant the requested September 20, 2023 effective date. Granting this effective date will effectuate the intent of the parties and, because the Agreement is an interconnection service agreement between those parties, will not prejudice or otherwise have an adverse impact on any other entity. For these reasons, Niagara Mohawk respectfully requests that the Commission grant the effective date of September 20, 2023 agreed to by the parties.¹⁰

IV. Attachments

In addition to this transmittal letter, this filing includes the following attachments:

Attachment A	The Agreement between Niagara Mohawk and CRT, as amended by this filing
Attachment B	A red-lined document showing the differences between the original version of the Agreement and the Agreement as amended by this filing
Attachment C	The agreement between Niagara Mohawk and CRT to amend the Agreement as set forth in this filing

⁸ See Attachment C to this filing.

⁹ 18 C.F.R. § 35.3(a)(2).

¹⁰ To the extent necessary and for the same reasons explained above, Niagara Mohawk also respectfully requests waiver of the Commission's notice requirement. See 18 C.F.R. § 35.11.

V. Communications

Communications and correspondence regarding this filing should be addressed to the following individuals:

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VI. Service

Copies of this filing have been served on CRT, the NYISO, the New York Public Service Commission, and all parties on the official service list for the proceeding in which the Commission accepted the original version of the Agreement (Docket No. ER05-47).

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VII. Conclusion

For the reasons stated herein, Niagara Mohawk respectfully requests that the Commission accept the Agreement as amended by this filing effective September 20, 2023.

Respectfully submitted,

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