

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

February 9, 2024

**By Electronic Delivery**

Honorable Debbie-Anne A. Reese, Acting Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Joint Filing of an Executed Small Generator Interconnection Agreement for the Little Pond Solar Project (NYISO Queue Position No. 575) Among the New York Independent System Operator, Inc., Orange and Rockland Utilities, Inc., and Little Pond Solar, LLC; Request for Critical Energy Infrastructure Information Designation; and Request for Waiver of the 60-Day Notice Period; Docket No. ER24-\_\_\_\_-000

Dear Ms. Reese:

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 Orange and Rockland Utilities, Inc. ("Orange & Rockland") (together, the "Joint Filing Parties") hereby tender for filing an executed Small Generator Interconnection Agreement for the Little Pond Solar Project (NYISO Queue Position No. 575) entered into by the NYISO, Orange & Rockland, as the Connecting Transmission Owner, and Little Pond Solar, LLC ("Little Pond"), as the Interconnection Customer (the "Interconnection Agreement").<sup>3</sup> The Interconnection Agreement is labeled as Service Agreement No. 2833 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing. With the limited exception described in Part I of this letter, the Interconnection Agreement conforms to the NYISO's *pro forma* Small Generator Interconnection Agreement ("Pro Forma SGIA") that is contained in Attachment Z to the OATT. Further, as described in Part II of this letter, the Joint Filing Parties respectfully request a waiver

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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, 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.

of the Commission's prior notice requirements<sup>4</sup> to make the Interconnection Agreement effective as of January 31, 2024, which is the date of its full execution. Finally, as described in Part III of this letter, Orange & Rockland requests that the one-line diagrams included in the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information.

## **I. Discussion**

### **A. Background**

Little Pond is constructing a 20 MW solar generating facility in the town of Sparrow Bush, New York (the "Facility"). Additional details regarding the Facility can be found in Attachment 2 of the Interconnection Agreement. The Facility will interconnect to certain facilities of Orange & Rockland that are part of the New York State Transmission System. The Point of Interconnection will be located at Orange & Rockland's new Little Pond Station. Attachment 3 of the Interconnection Agreement includes a one-line diagram showing the Point of Interconnection.

### **B. The Interconnection Agreement Closely Conforms to the Pro Forma SGIA Contained in Attachment Z of the NYISO OATT**

The Interconnection Agreement was fully executed on January 31, 2024, by the NYISO, Orange & Rockland, and Little Pond. The Interconnection Agreement largely conforms to the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT with the exception described below in 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 SGIA, because unique circumstances exist that require a non-conforming agreement.<sup>5</sup> Therefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement with the non-conforming change.

#### **1. Modifications Required Due to Existence of Related Contractual Arrangements**

Orange & Rockland and Little Pond will be parties to a security agreement and property agreements described in Section 2 of Attachment 5 of the Interconnection Agreement ("Additional Agreements"). Accordingly, the parties have agreed to modify Article 12.5 to address these Additional Agreements. The Commission has previously accepted this change to the NYISO's interconnection agreements.<sup>6</sup> With respect to the interaction between the

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

<sup>6</sup> See, e.g., *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER11-2199-000 (December 28, 2010) (accepting revision to Article 29.6 of the NYISO's *pro forma* Large Generator Interconnection

Interconnection Agreement and the contractual obligations set forth in the Additional Agreements, Section 2 of Attachment 5 provides that “[i]t is the belief and intention of the Interconnection Customer and the Connecting Transmission Owner that nothing in the Additional Agreements conflicts in any material way with [the Interconnection] Agreement.” Further, as stated in Section 2 of Attachment 5, if the Connecting Transmission Owner or Interconnection Customer becomes aware of a conflict, they will “mutually agree upon an amendment, if needed, of such Additional Agreement.”

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

The Joint Filing Parties request an effective date of January 31, 2024, for the Interconnection 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>7</sup>

## **III. Request for CEII Treatment**

Pursuant to Sections 388.112 and 388.113 of the Commission’s regulations,<sup>8</sup> Orange & Rockland requests that the one-line diagrams included as the figures in Attachment 3 and Attachment 5-1 of the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information (“CEII”).<sup>9</sup> The diagrams contain detailed, one-line schematics of Orange & Rockland’s facilities that, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. The diagrams provide more than simply

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Agreement that addressed requirements for Additional Agreements in Appendix C of the Interconnection Agreement). The impacted provisions in the Interconnection Agreement, Article 12.5 and Attachment 5, correspond to the provisions of the *pro forma* Large Generator Interconnection Agreement referred to in the foregoing citation, Article 29.6 and Appendix C.

<sup>7</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); 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).

<sup>8</sup> 18 C.F.R. §§ 388.112 and 388.113 (2022).

<sup>9</sup> As required by Section 388.113(d)(1)(i) of the Commission’s regulations, Orange & Rockland has described in the filing letter how the one-line diagrams in Attachment 3 and Attachment 5-1 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 pages of the Interconnection Agreement that contain critical energy infrastructure information is labelled as including CEII and marked DO NOT RELEASE, and a Public and CEII version of the Interconnection 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), Orange & Rockland requests that the Commission designate the CEII material submitted on February 9, 2024, 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.

the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, the schematics show the exact nature and specific location of facilities used to maintain the reliability of the New York State bulk power system.

The diagrams, in Orange & Rockland's assessment, reveal 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 diagrams 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 these schematics 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 Interconnection Agreement included in this filing.

The Joint Filing Parties are electronically submitting a non-public version of this filing. The diagrams are included only in the non-public version of the Interconnection Agreement in the filing. The non-public diagrams are marked: **"FIGURE CONTAINS CEII – DO NOT RELEASE PURSUANT TO 18 C.F.R. §§ 388.112 and 388.113."** The non-public diagrams 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>10</sup> Placeholders have been included in place of the non-public diagrams in the public version of the Interconnection Agreement.

All communications relating to this request for privileged and confidential treatment should be addressed to Orange & Rockland's Counsel listed below.

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

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

#### **For the NYISO<sup>11</sup>**

Robert E. Fernandez, Executive Vice  
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Karen Georgenson Gach, Deputy General  
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<sup>10</sup> See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

<sup>11</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.

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\*Designated to receive service.

**V. Documents Submitted**

The NYISO respectfully submits the following documents with this filing letter:

- A clean Public version of the Interconnection Agreement (Attachment I);
- A blacklined Public version of the Interconnection Agreement showing the changes from the body of the Pro Forma SGIA (Attachment II);
- A clean CEII version of the Interconnection Agreement (Attachment III); and
- The signature pages for the Interconnection 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.

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**VII. Conclusion**

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing with an effective date of January 31, 2024.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

/s/ Paul A. Savage

Paul A. Savage

*Counsel for*

*Orange and Rockland Utilities, Inc.*

cc: Janel Burdick  
Emily Chen  
Matthew Christiansen  
Jignasa Gadani  
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