

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.

February 22, 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 KCE NY 10 Energy Storage Project (Queue Position No. 804) Among the New York Independent System Operator, Inc., New York State Electric & Gas Corp., and KCE NY 10, 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 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 Corp. ("NYSEG") (together, the "Joint Filing Parties") hereby tender for filing an executed Small Generator Interconnection Agreement for the KCE NY10 Energy Storage Project (NYISO Queue Position No. 804) entered into by the NYISO, NYSEG, as the Connecting Transmission Owner, and KCE NY 10, LLC ("KCE NY10"), as the Interconnection Customer (the "Interconnection Agreement").³ The Interconnection Agreement is labeled as Service Agreement No. 2830 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 exceptions described in Part I of this letter, the Interconnection Agreement conforms to the NYISO's *pro forma* Small Generator

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, 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 (“Pro Forma SGIA”) that is contained in Attachment Z to the OATT. As described in Part II of this letter, the Joint Filing Parties respectfully request a waiver of the Commission’s prior notice requirements⁴ to make the Interconnection Agreement effective as of February 7, 2024, 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 Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information.

I. Discussion

A. Background

KCE NY10 is constructing a 20 MW solar generation facility in Erie County, 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 NYSEG that are part of the New York State Transmission System. The Point of Interconnection is NYSEG’s existing 34.5 kV Erie Street Substation Bus 4. 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 February 7, 2024, by the NYISO, NYSEG, and KCE NY10. The Interconnection Agreement largely conforms to the language in the Pro Forma SGIA contained in Attachment Z of the NYISO OATT with the 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.⁵ Therefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement with the non-conforming changes.

1. KCE NY10’s Construction of Portions of the Connecting Transmission Owner’s Interconnection Facilities

Section 1.5.3 of the Pro Forma SGIA provides that the Connecting Transmission Owner shall construct, operate, and maintain its Interconnection Facilities and Upgrades covered by the agreement. NYSEG and KCE NY10 have agreed that KCE NY10 will be responsible for constructing certain Connecting Transmission Owner’s Interconnection Facilities associated with the Facility. Accordingly, the parties agreed to modify Section 1.5.3 of the Interconnection

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

Agreement to clarify that the Interconnection Customer, KCE NY10, can construct the Connecting Transmission Owner's Interconnection Facilities and Upgrades with the agreement of the parties. The Commission has previously accepted this change to the Pro Forma SGIA.⁶

2. 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 KCE NY10 have agreed to an alternative billing arrangement for KCE NY10 to make advance payments to NYSEG for the cost of Connecting Transmission Owner's Interconnection Facilities and Upgrades. Accordingly, the parties have agreed to modify Article 6.1.1 of the Interconnection Agreement to reference the details of the alternative billing arrangement, which are set forth in Section 2 of Attachment 4 of the Interconnection Agreement. The Commission has previously accepted changes to the Pro Forma SGIA to reflect alternative billing and invoice arrangements agreed to by the parties.⁷

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

The Joint Filing Parties request an effective date of February 7, 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.⁸

⁶ See *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER20-1603-000 (June 18, 2020) (accepting interconnecting agreement modified to permit the Interconnection Customer to agree to construct Connecting Transmission Owner's Interconnection Facilities); *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER20-1602-000 (June 18, 2020) (same).

⁷ See *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) (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.*, Letter Order, Docket No. ER19-589-000 (Feb. 1, 2019) (same).

⁸ 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).

III. Request for CEII Treatment

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,⁹ NYSEG requests that the one-line diagram included as the figure in Appendix A of the Interconnection Agreement be protected from disclosure as Critical Energy Infrastructure Information ("CEII").¹⁰ 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 Interconnection 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 Interconnection 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."**¹¹ A placeholder has been included in place of the non-public diagram in the public version of the Interconnection Agreement.

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

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

¹⁰ 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 Interconnection 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 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), NYSEG requests that the Commission designate the CEII material submitted on February 22, 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.

¹¹ See Notice of Document Labelling Guidance for Documents Submitted to or Filed with the Commission or Commission Staff (Apr. 14, 2017) (unreported).

IV. Communications and Correspondence

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

For the NYISO¹²

Robert E. Fernandez, Executive Vice
President & General Counsel
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.
Andrea D. Gardner
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
Tel: (804) 788-8200
Fax: (804) 344-7999
mmessonnier@huntonak.com
agardner@huntonak.com

For the 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

Jeffrey A. Rosenbloom
VP, General Counsel
NYSEG/RG&E
180 South Clinton Avenue
Rochester, NY 14604
Tel: 585.314.4307
Jeffrey.Rosenbloom@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 Interconnection Agreement (Attachment I);

¹² 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.

- A blacklined Public version of the Agreement showing the changes from 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. 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 Interconnection Agreement for filing with an effective date of February 7, 2024.

Respectfully submitted,

s/ Sara B. Keegan

Sara B. Keegan

Counsel for the

New York Independent System Operator, Inc.

s/ Jeffrey A. Rosenbloom

Jeffrey A. Rosenbloom

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
		Jaime Knepper	Eric Vandenberg