

May 24, 2024

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

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

Filing of Amended Interconnection Agreement with Besicorp – Empire Power Company, LLC and Request for Waiver of Prior Notice Requirement

Dear Secretary Reese:

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 an amended Interconnection Agreement between Niagara Mohawk and Besicorp – Empire Power Company, LLC (“Empire”) (“Amended IA”). The Amended IA is designated as Service Agreement No. 333 under the New York Independent System Operator, Inc.’s (“NYISO”) Open Access Transmission Tariff (“OATT”). Niagara Mohawk respectfully requests that the Commission waive its prior notice requirement and accept the Amended IA effective one day after the date of this filing, May 25, 2024.

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.

Empire, which is now known as Empire Generating Co, LLC, is a New York limited liability company. Empire owns a large generating facility in Rensselaer County, New York (“Production Facility”) interconnected to the Niagara Mohawk transmission system.

The Commission accepted Niagara Mohawk’s filing of the original version of the Interconnection Agreement between Niagara Mohawk and Empire in 2004.³

¹ 16 U.S.C. § 824d.

² 18 C.F.R. Part 35.

³ See Commission letter order, Docket No. ER04-411-000 (Mar. 15, 2004).

II. The Amended IA

Niagara Mohawk is submitting three revisions to the Interconnection Agreement that it and Empire Power have agreed to make in the Amended IA. First, Niagara Mohawk is making revisions throughout the Interconnection Agreement as needed to list Empire by its current name, Empire Generating Co, LLC, rather than by its previous name Besicorp – Empire Power Company, LLC. Second, Niagara Mohawk is updating Section 2.2 of the Interconnection Agreement to extend its term to thirty years, include provision for its automatic renewal for each successive one-year period thereafter, and specify how the Amended IA may be terminated by either party. Third, Niagara Mohawk is updating the notice information under Article XVI of the Interconnection Agreement.

III. Effective Date and Request for Waiver

Pursuant to Section 35.11 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 35.11), Niagara Mohawk respectfully requests waiver of the prior notice requirement contained in Section 35.3 of the Rules of Practice and Procedure (18 C.F.R. § 35.3), to the extent necessary, to allow the Amended IA go into effect one day after the date of this filing, May 25, 2024. Good cause exists to grant this request for waiver. The requested effective date does not affect any rates or charges under the Interconnection Agreement and will not affect any entity other than Niagara Mohawk and Empire.

IV. Documents Enclosed

In addition to this filing letter, attached are the following documents:

- i. The Amended IA (Service Agreement No. 333 under the NYISO OATT), provided in clean format (Attachment A)
- ii. The Amended IA provided in marked (redline) format (Attachment B)

V. Communications and Service

Communications regarding this filing should be addressed to the following individuals, whose names should be entered on the official service list maintained by the Secretary for this proceeding:

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Copies of this filing have been served on Empire, the NYISO, and the New York Public Service Commission.

VI. Conclusion

For the reasons stated herein, Niagara Mohawk respectfully requests that the Commission accept the Amended IA effective as of May 25, 2024.

Respectfully submitted,

/s/ Christopher J. Novak
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*Attorney for Niagara Mohawk Power
Corporation*