

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Hecate Grid Swiftsure, LLC)	
)	Docket No. ER24-1642-000
)	
)	

**SUPPLEMENTAL COMMENTS OF
THE NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.**

Pursuant to Rules 212 and 214 of the Commission’s Rules of Practice and Procedure,¹ the New York Independent System Operator, Inc. (“NYISO”) submits further comments in response to the request of Hecate Grid Swiftsure, LLC (“Hecate”) in the above-captioned proceeding for a waiver of certain requirements of the NYISO’s Open Access Transmission Tariff (“OATT”)² to extend the Commercial Operation Date for its battery energy storage project (the “Waiver Request”).³

The NYISO submits these comments to highlight a recent change in the NYISO’s rules for extending a project’s Commercial Operation Date that replaces the tariff requirements subject to the Waiver Request and establishes a process by which Hecate may extend the Commercial Operation Date of the project under the NYISO’s OATT. The NYISO respectfully requests that the Commission consider these comments in its determination regarding the relief requested.

¹ 18 C.F.R. §§ 385.212 and 385.214 (2024).

² Capitalized terms not defined in these comments shall have the meaning set forth in Attachments S or X of the NYISO’s Open Access Transmission Tariff (“OATT”) and, if not defined therein, in Section 1 of the OATT or Section 2 of the NYISO’s Market Administration and Control Area Services Tariff.

³ *Hecate Grid Swiftsure, LLC*, Request for Limited Tariff Waiver and Request for Expedited Action and Shortened Comment Period of Hecate Grid Swiftsure, LLC, Docket No. ER24-1642-000 (Mar. 28, 2024) (“Waiver Request”).

I. COMMENTS

As the NYISO explained in its Motion to Intervene and Comments submitted in this proceeding on April 18, 2024,⁴ at the time of that filing, tariff revisions were being developed for the NYISO's compliance with Order No. 2023 that could result in changes to the extension rules from which Hecate requests a waiver. On May 1, 2024, the NYISO submitted its compliance filing in response to the Commission's Order Nos. 2023 and 2023-A, including revisions to these extension rules.⁵ Under the revised rules, an Interconnection Customer may extend the Commercial Operation Date of its project beyond the four-year period permitted as a matter of right, even in certain instances where the project does not have an interconnection agreement. In particular, the new rules—set forth in Section 40.6.3.5 of Attachment HH of the NYISO OATT—provide for an extension if the Interconnection Customer satisfies the required three components.

First, the developer must satisfy one of several potential bases for a permitted extension. Most relevant here, an Interconnection Customer may extend the Commercial Operation Date for its project to on or before May 2, 2028, without having to make any other demonstration to the NYISO so long as it satisfies the other two components of the rules.⁶ Hecate has requested an extension in the Waiver Request until December 2027, which falls within this timeframe.

⁴ *Hecate Grid Swiftsure, LLC*, Motion to Intervene and Comments of The New York Independent System Operator, Inc., Docket No. ER24-1642-000 (Apr. 18, 2024) (“Initial Comments”).

⁵ *New York Independent System Operator, Inc.*, New York Independent System Operator's Compliance Filing for Order No. 2023 and Order No. 2023-A; Conditional Request for Prospective Waivers; Docket No. ER24-1915-000 (May 1, 2024) (“Compliance Filing”).

⁶ NYISO OATT Attach. HH § 40.6.3.5.1.1.

Second, the developer must provide an updated milestone schedule agreed upon with the Connecting Transmission Owner that meets the requested extended Commercial Operation Date.⁷

Third, and finally, the NYISO and Transmission Owner will determine whether a Cost Estimate Update is required to update the cost estimates for the interconnection due to the delayed Commercial Operation Date. If such update is required, the Interconnection Customer would be required to true up its security payment to the Transmission Owner to address the updated cost estimate.⁸

While the Compliance Filing is currently pending before the Commission, the NYISO requested an effective date of May 2, 2024 and informed the Commission of the NYISO's intent to implement those rules in the absence of Commission guidance otherwise.⁹ These new tariff requirements replace the NYISO's prior Commercial Operation Date extension rules that are the subject of the Waiver Request and now provide projects such as Hecate a tariff-prescribed process to seek an extension of the Commercial Operation Date for the Project without a waiver.

If the Commission grants the Waiver Request, the NYISO understands that Hecate will not be subject to the new tariff requirements set forth in Section 40.6.3; provided however, further extensions of the Commercial Operation Date would be subject to these rules absent a Commission order rejecting these rules in the NYISO's compliance filing.

⁷ NYISO OATT Attach. HH § 40.6.3.5.2.

⁸ NYISO OATT Attach. HH § 40.6.3.5.3.

⁹ See Compliance Filing at 29.

II. COMMUNICATIONS AND CORRESPONDENCE

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III. CONCLUSION

WHEREFORE, for the foregoing reasons, the NYISO respectfully requests that the Commission consider these supplemental comments in making its decision on Hecate's Waiver Request.

Respectfully submitted,

/s/ Sara B. Keegan

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May 24, 2024

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding in accordance with the requirements of Rule 2010 of the Rules of Practice and Procedure, 18 C.F.R. §385.2010.

Dated at Rensselaer, NY this 24th day of May 2024.

/s/ Alexander Morse

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