

THIS FILING LETTER DOES NOT CONTAIN ANY CEII. ATTACHMENTS I, II, AND IV DO NOT CONTAIN ANY PRIVILEGED OR CONFIDENTIAL INFORMATION. ATTACHMENT III INCLUDES DIAGRAMS FOR WHICH CEII DESIGNATION IS REQUESTED IN PART III BELOW, AND IS SUBMITTED SEPARATELY.

July 19, 2024

By Electronic Delivery

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

Re: Joint Filing of an Executed Amended and Restated Merchant Transmission Facility Interconnection Agreement for the Champlain Hudson Power Express Project (NYISO Queue Position Nos. 631 and 887) Among the New York Independent System Operator, Inc., New York Power Authority, and CHPE LLC; Request for Waiver of the 60-Day Notice Period; and Request for Waiver of 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 Power Authority ("NYPA") (together, the "Joint Filing Parties") hereby tender for filing an executed Amended and Restated Merchant Transmission Facility Interconnection Agreement for the Champlain Hudson Power Express project (NYISO Queue Position Nos. 631 and 887) entered into by the NYISO, NYPA, as the Connecting Transmission Owner, and CHPE LLC ("CHPE") as the Developer (the "Amended Agreement").³ The Amended Agreement is labeled as Service Agreement No. 2710 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. The Amended Agreement conforms to the NYISO's *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") that is contained in Attachment X to the OATT with limited non-conforming exceptions previously accepted by the Commission for the prior version of this agreement. Further, as described in Part II of this letter, the Joint Filing

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2023).

³ Capitalized terms that are not otherwise defined in this filing letter shall have the meaning specified in Attachments X, S, and HH of the NYISO OATT, and if not defined therein, in the NYISO OATT or NYISO Market Administration and Control Area Services Tariff ("Services Tariff").

Parties respectfully request a waiver of the Commission's prior notice requirements⁴ to make the Amended Agreement effective as of July 8, 2024, which is the date of its full execution. Finally, as described in Part III of this letter, NYPA requests that the diagrams included in the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information.

I. Discussion

The Amended Agreement governs the interconnection of CHPE's proposed merchant transmission facility ("Merchant Transmission Facility"). The Merchant Transmission Facility is a 1,250 MW High Voltage Direct Current (AC input – DC conversion – AC output) transmission project that will run from the United States and Canada border to NYPA's Astoria Annex 345 kV Substation in Astoria, Queens, New York.

The Amended Agreement supersedes the Merchant Transmission Facility Interconnection Agreement ("Original Agreement") among the NYISO, NYPA, and CHPE concerning the Merchant Transmission Facility. The NYISO and NYPA filed the Original Agreement in the Commission's Docket No. ER22-2151-000 on June 20, 2022,⁵ which was accepted by the Commission on August 19, 2022.⁶ The Original Agreement was based on and is consistent with the Pro Forma LGIA, but included certain non-conforming modifications, which were accepted by the Commission. The non-conforming revisions concerned revisions to address: (i) the unique characteristics of interconnecting a merchant transmission facility, (ii) NYPA's unique legal status, (iii) NYPA's capabilities to implement phasor measurement unit requirements, and (iv) the execution of the interconnection agreement prior to completion of the NYISO's Class Year Interconnection Facilities Study for Class Year 2021 in which the Merchant Transmission Facility was participating.

As required by the NYISO OATT,⁷ the Original Agreement established that the parties would amend the Original Agreement if the upgrades and cost estimates included in the agreement that was executed prior to the completion of the Class Year Study differ from results in the Class Year Study.⁸ Accordingly, subsequent to the Commission's acceptance of the Original Agreement and the completion of the Class Year Study for Class Year 2021, the NYISO, NYPA, and CHPE agreed to amend the agreement to update the details in the appendices to reflect the study results and to address certain modifications requested by CHPE that the NYISO determined were non material.

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 *New York Independent System Operator*, Docket No. ER22-2151-000 (June 20, 2022).

⁶ *New York Independent System Operator*, Letter Order Docket No. ER22-2151-000 (Aug. 19, 2022).

⁷ See OATT Attach. X § 30.11.4.

⁸ See Original Agreement Appx. A § 9.

In particular, the parties revised the description of the required attachment facilities and upgrades in Appendix A, along with the related cost estimates, work responsibilities, and diagrams. The parties also amended the project milestones in Appendix B and the description of the security provided by CHPE at the conclusion of the Class Year Study. In addition, the parties modified the agreement to indicate that this is the “Amended and Restated” version of the agreement. Finally, the parties removed certain non-conforming changes included in the body of the Original Agreement, and related language in the appendices, that established requirements consistent with the NYISO’s OATT rules for the parties’ execution of the agreement prior to the completion of the Class Year Study and the impact of such early execution on the interconnection service provided for the project.⁹ This language is no longer required as the Merchant Transmission Facility has satisfied the requirements to complete the Class Year Study and the parties have updated the agreement to reflect the results of the Class Year Study.

The Joint Filing Parties respectfully request that the Commission accept the Amended Agreement. The Amended Agreement does not include variations from the Pro Forma LGIA other than the changes previously accepted by the Commission for the Original Agreement. As described above, the only modification to the *pro forma* language in the Amended Agreement is to remove certain non-conforming changes previously accepted by the Commission that are no longer required.

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

The Joint Filing Parties request an effective date of July 8, 2024, for the Amended 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.¹⁰

III. Request for CEII Treatment

Pursuant to Sections 388.112 and 388.113 of the Commission’s regulations,¹¹ NYPA requests that that the diagrams included in Appendix A of the Amended Agreement be protected from disclosure as Critical Energy Infrastructure Information (“CEII”).¹²

⁹ See Original Agreement § 4.11, Appx. A § 9, Appx. C § 2(b).

¹⁰ 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).

¹¹ 18 C.F.R. §§ 388.112 and 388.113 (2023).

¹² As required by Section 388.113(d)(1)(i) of the Commission’s regulations, NYPA has described in the filing letter how the diagrams Appendix A satisfy the definition of critical energy infrastructure information as that

The diagrams in Appendix A, 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 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 NYPA's assessment, reveal such critical information related to the facilities depicted and described therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of such information 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 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 Amended Agreement included in this filing.

The Joint Filing Parties are electronically submitting a non-public version of this filing. The figures are included only in the non-public version of the Amended 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 information 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."**¹³ A placeholder has been included in place of the non-public information in the public version of the Amended Agreement.

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

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 Amended Agreement that contain critical energy infrastructure information are labelled as including CEII and marked DO NOT RELEASE, and a Public and CEII version of the Amended 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), NYPA requests that the Commission designate the CEII material submitted on July 19, 2024, with the full five-year CEII designation provided for in Section 388.113(e)(1) as the information provided in the diagrams will continue to satisfy the definition of critical energy infrastructure information for this entire period.

¹³ 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 NYISO¹⁴

Robert E. Fernandez, Executive Vice
President, Chief Compliance Officer &
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

*Michael J. Messonnier Jr.
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
Tel: (804) 788-8200
Fax: (804) 344-7999
mmessonnier@hunton.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@hunton.com

For New York Power Authority

Lori A. Alesio, Executive Vice President &
General Counsel
*Nathan D. Markey, Principal Attorney
New York Power Authority
30 South Pearl St.
Albany, NY 12207
Tel: (518) 433-6730
Fax: (518) 433 6781
Nathan.Markey@nypa.gov

*Designated to receive service.

¹⁴ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2023) to permit service on counsel in both Washington, D.C. and Richmond, VA.

V. Documents Submitted

The Joint Filing Parties submit the following documents with this filing letter:

- A clean Public version of the Amended Agreement (Attachment I);
- A blacklined Public version of the Amended Agreement showing the changes from the Original Agreement (Attachment II);
- A clean CEII version of the Amended Agreement (Attachment III); and
- The signature pages for the Amended 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 Amended Agreement for filing with an effective date of July 8, 2024.

Respectfully submitted,

/s/ Michael J. Messonnier, Jr.

Michael J. Messonnier, Jr.

Counsel for the

New York Independent System Operator, Inc.

/s/ Nathan D. Markey

Nathan D. Markey

Counsel for

New York Power Authority

cc:	Janel Burdick	Jette Gebhart	David Morenoff
	Emily Chen	Leanne Khammal	Jason Rhee
	Matthew Christiansen	Jaime Knepper	Douglas Roe
	Jignasa Gadani	Kurt Longo	Eric Vandenberg