

December 3, 2024

**By Electronic Delivery**

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

Re: Notice of Cancellation of Service Agreement No. 2776 to the New York  
Independent System Operator, Inc.'s Open Access Transmission Tariff, Docket  
No. ER25-\_\_\_\_\_

Dear Ms. Reese:

Pursuant to Section 205(d) of the Federal Power Act<sup>1</sup> and Sections 35.9 and 35.15 of the Federal Energy Regulatory Commission's ("Commission's") regulations,<sup>2</sup> the New York Independent System Operator, Inc. ("NYISO") hereby tenders for filing and acceptance a Notice of Cancellation of the Engineering, Procurement, and Construction Agreement ("EPC Agreement") for a System Deliverability Upgrade ("SDU") located on the Long Island Lighting Company d/b/a LIPA's ("LIPA") transmission system. The EPC Agreement was entered into by: (i) the NYISO, (ii) LIPA as the Affected Transmission Owner, and (iii) by Shoreham Solar Commons LLC, Riverhead Solar Farm, LLC, East Hampton Energy Storage Center, LLC, and Montauk Energy Storage Center, LLC, each individually a Developer and collectively Developers.<sup>3</sup> The EPC Agreement is designated as Service Agreement No. 2776 under the NYISO's Open Access Transmission Tariff ("OATT").

**I. Background**

The EPC Agreement for which the NYISO submits this Notice of Cancellation was filed in the Commission's Docket No. ER24-261-000 on October 31, 2023, as OATT Service Agreement No. 2776, and was accepted by the Commission on December 15, 2023.<sup>4</sup> The EPC Agreement governs the rates, terms, and conditions regarding the engineering, procurement, and construction of a SDU on LIPA's system. The NYISO's Class Year Deliverability Study for its Class Year 2017 determined that this SDU must be constructed on LIPA's system to enable the Developers to interconnect their facilities reliably to the New York State Transmission System in a

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<sup>1</sup> 16 U.S.C. § 824d.

<sup>2</sup> 18 C.F.R. §§ 35.9, 35.15 (2023).

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

<sup>4</sup> *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER24-261-000 (Dec. 15, 2023).

manner that meets the NYISO Deliverability Interconnection Standard at the Developers' requested level of Capacity Resource Interconnection Service.

## **II. Notice of Cancellation**

Article 2.3.1 provides that the EPC Agreement shall terminate upon the completion of the term of the agreement. Article 2.2 of the EPC Agreement establishes the term. Specifically, the EPC Agreement shall remain in effect until "the later of: (i) the Completion Date, and (ii) the date on which the final payment of all invoices issued under this Agreement has been made pursuant to Articles 7.1 and 7.3 and the security has been released or refunded pursuant to Article 7.2."<sup>5</sup> Article 2.3.4 then provides that the termination of the agreement will not be effective until the parties have complied with all Applicable Laws and Regulations applicable to terminating the agreement, including filing with the Commission a notice of termination of this agreement, which notice has been accepted for filing by the Commission.

LIPA has confirmed that the work for the SDU under the EPC Agreement has been completed and that all final invoices have been issued and any remaining security has been released or refunded. There are no remaining obligations under this EPC Agreement. Therefore, pursuant to Articles 2.2 and 2.3.1 of the EPC Agreement, the EPC Agreement is terminated, subject to the Commission accepting notice terminating the agreement. Accordingly, the NYISO hereby submits this Notice of Cancellation of Service Agreement No. 2776 of the NYISO OATT for the Commission's acceptance.

## **III. Requested Effective Date**

The NYISO respectfully requests that the proposed cancellation become effective on February 3, 2024 (*i.e.*, the day after the end of the statutory 60-day notice period).

## **IV. Communications and Correspondence**

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

Robert E. Fernandez, Executive Vice  
President, General Counsel, & Chief  
Compliance Officer  
Karen Georgenson Gach, Deputy General  
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\*Sara B. Keegan, Assistant General Counsel  
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\*Ted J. Murphy

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<sup>5</sup> Completion Date is defined in the EPC Agreement as "the date on which the Affected Transmission Owner has completed the EPC Services, as set forth in Appendix A." EPC Agreement Art. 1 (definition of Completion Date).

Honorable Debbie-Anne A. Reese

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\*Designated to receive service.

**V. 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.

**VI. Conclusion**

Wherefore, the NYISO respectfully requests that the Commission accept this Notice of Cancellation.

Respectfully submitted,

/s/ Sara B. Keegan

Sara B. Keegan

*Counsel for the*

*New York Independent System Operator, Inc.*

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