

January 23, 2025

By Electronic Delivery

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

Re: Filing of an Executed Amended and Restated Engineering, Procurement, and Construction Agreement for the Alle Catt II Wind Project (NYISO Queue No. 596) Among the New York Independent System Operator, Inc., New York State Electric & Gas Corporation, and Alle-Catt Wind Energy LLC; Request for Waiver of 60-Day Notice Period; Docket No. ER25-____-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 Corporation ("NYSEG") (together, the "Filing Parties") hereby tender for filing an executed Amended and Restated Engineering, Procurement, and Construction Agreement ("Amended Agreement") in connection with the Alle Catt II Wind project (NYISO Queue No. 596). The Amended Agreement has been entered into by the NYISO, NYSEG, as the Affected System Operator, and Alle-Catt Wind Energy LLC ("Alle-Catt"), as the Developer (all parties to the agreement collectively, the "Parties").³ The Amended Agreement is labeled as Service Agreement No. 2794 under the NYISO's Open Access Transmission Tariff ("OATT").

The Filing Parties respectfully request that the Commission accept the Amended Agreement for filing. Further, as described in Part II of this letter, the Filing Parties respectfully request a waiver of the Commission's prior notice requirements⁴ to make the Amended Agreement effective as of January 8, 2025, which is the date of its full execution.

¹ 16 U.S.C. § 824d.

² 18 C.F.R. § 35.13 (2024).

³ 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").

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).

I. Discussion

The Amended Agreement supersedes the Engineering, Procurement, and Construction Agreement among the NYISO, NYSEG, and Alle-Catt (the “Original Agreement”) that was filed in Docket No. ER23-2971-000 on September 29, 2023,⁵ and was accepted by the Commission on November 22, 2023.⁶

The NYISO’s Class Year Study for Class Year 2019 identified certain Affected System Upgrade Facilities that are required on the Affected System owned by NYSEG – the Affected System Operator – to reliably interconnect the Facility to the New York State Transmission System. Pursuant to Section 30.3.5 of Attachment X of the NYISO OATT, the NYISO, NYSEG, and Alle-Catt entered into the Original Agreement to govern the rates, terms, and conditions pursuant to which Alle-Catt will engineer, procure, and construct the Affected System Upgrade Facilities on NYSEG’s system. Niagara Mohawk Power Corporation d/b/a National Grid (“National Grid”) is not a Party to the Original Agreement, but signed the Original Agreement solely for the limited purpose of acknowledging that its representatives read the Original Agreement and are apprised of its terms.

Subsequent to the Commission’s acceptance of the Original Agreement, Alle-Catt and NYSEG proposed modifications to the Affected System Upgrade Facilities equipment set forth in Appendix A of the Original Agreement. Alle-Catt also proposed updates to the milestones table set forth in Appendix A of the Original Agreement. The Parties agreed to amend the Original Agreement to reflect these changes. In particular, the Parties made the following modifications to the Original Agreement:

- Revisions to update the Affected System Upgrade Facilities equipment description in Appendix A;
- Revisions to update the amount payable to NYSEG for oversight costs in Article 3.2.12 of the Original Agreement;
- Revisions to update the milestones table for the engineering, procurement, and construction of Affected System Upgrade Facilities in Appendix A;
- Revisions to update the contact information for Alle-Catt and National Grid in Appendix B; and
- Revisions to reflect that this is the “Amended and Restated” Agreement.

The Amended Agreement was fully executed on January 8, 2025, by the NYISO, NYSEG, Alle-Catt and, for the limited purposes of acknowledging its review of the Amended

⁵ *New York Independent System Operator, Inc., et. al.*, Docket No. ER23-2971-000 (Sept. 29, 2023).

⁶ *New York Independent System Operator, Inc., et. al.*, Letter Order, Docket No. ER23-2971-000 (Nov. 22, 2023).

Agreement, National Grid. The Amended Agreement does not include variations from the Pro Forma LGIA other than those already accepted by the Commission for the Original Agreement. Therefore, the Filing Parties respectfully request that the Commission accept the Amended Agreement.

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

The Filing Parties request an effective date of January 8, 2025, for the Amended Agreement, which is the date of its full execution. The Filing Parties respectfully request that the Commission waive its prior notice requirement to permit the requested effective date. The Commission has previously permitted engineering, procurement, and construction agreements to become effective upon the date of execution.⁷

III. Communications and Correspondence

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

For the NYISO⁸

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⁷ See e.g., *New York Independent System Operator, Inc. et al.*, Letter Order, Docket No. ER24-499-000 (Jan. 26, 2024) (accepting engineering, procurement, and construction agreement as of its date of execution); *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER22-2036-000 (Aug. 3, 2022) (accepting engineering, procurement, and construction agreement as of its date of execution); see also, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER15-2079-000 (Aug. 5, 2015) (same); *New York Independent System Operator, Inc., and New York State Electric & Gas Corporation*, Letter Order, Docket No. ER11-2953-000 (Apr. 7, 2011) (accepting interconnection agreement effective as of date of execution); *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).

⁸ The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2024) to permit service on counsel in both Washington, D.C. and Richmond, VA.

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For New York Electric & Gas Corporation

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* Designated to receive service.

IV. Documents Submitted

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

- A clean version of the Amended Agreement (Attachment I);
- A blacklined version of the Amended Agreement showing the changes from the Original Agreement (Attachment II); and
- The signature pages for the Amended Agreement (Attachment III).

V. 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 State Public Service Commission and to the New Jersey Board of Public Utilities.

VI. Conclusion

Wherefore, the Filing Parties respectfully requests that the Commission accept the Amended Agreement for filing with an effective date of January 8, 2025.

Respectfully submitted,

/s/Sara B. Keegan
Sara B. Keegan
Counsel for the
New York Independent System Operator, Inc.

/s/Jeffrey A. Rosenbloom
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