

January 31, 2025

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

Re: Joint Filing of an Executed Transmission Project Interconnection Agreement for the Northern New York Priority Transmission Project (NYISO Queue Position No. 1125) Among the New York Independent System Operator, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, and New York Power Authority; Request for Critical Energy Infrastructure Information Designation; Request for Waiver of the 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"), Niagara Mohawk Power Corporation d/b/a National Grid ("National Grid"), and New York Power Authority ("NYPA") (each a "Party" and together, the "Joint Filing Parties" or "Parties") hereby tender for filing an executed Transmission Project Interconnection Agreement for the Northern New York Priority Transmission Project (NYISO Queue Position No. 1125) ("Transmission Project") entered into by the NYISO, National Grid, and NYPA (the "Interconnection Agreement").³ NYPA and National Grid are the joint developers of the Transmission Project and elements of the Transmission Project will interconnect to both of their transmission facilities. The Interconnection Agreement is labeled as Service Agreement No. 2870 under the NYISO's Open Access Transmission Tariff ("OATT").

The Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing. Pursuant to Section 22.11.1 of Attachment P of the OATT, the Interconnection Agreement is based on and consistent with the *pro forma* Large Generator Interconnection Agreement ("Pro Forma LGIA") contained in Attachment X to the OATT, as modified to address a Transmission Project. The modifications are described in Part II of this letter. Further, as described in Part III of this letter, the Joint Filing Parties respectfully

¹ 16 U.S.C. § 824d (2024).

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 Attachment P of the NYISO OATT, and if not defined therein, in Attachments X or S of the NYISO OATT, or the NYISO OATT or NYISO Market Administration and Control Area Services Tariff ("Services Tariff").

request a waiver of the Commission's prior notice requirements⁴ to make the Interconnection Agreement effective as of January 16, 2025, which is the date of its full execution.

I. BACKGROUND

NYPA and National Grid have jointly developed the Transmission Project, which was approved by the New York Public Service Commission as a priority transmission project, to provide for an increase in transmission capacity in northern New York.⁵ The Transmission Project is described in Appendix C of the Interconnection Agreement.

The NYISO evaluated the Transmission Project in its Transmission Interconnection Procedures located in Attachment P of the OATT. The Transmission Interconnection Studies identified Network Upgrade Facilities required for the Transmission Project to connect reliably to the New York State Transmission System in a manner that meets the NYISO Transmission Interconnection Standard. Details regarding the Network Upgrade Facilities are set forth in Appendix A of the Interconnection Agreement. The Transmission Project will interconnect to certain facilities of both NYPA's and National Grid's transmission system that are part of the New York State Transmission System at several Points of Interconnection, which are described in Appendix C of the Interconnection Agreement. National Grid and NYPA will each construct, own, operate, and maintain their respective portions of the Transmission Project and Network Upgrade Facilities located on their transmission systems.

The Transmission Interconnection Studies for the Transmission Project also identified Network Upgrade Facilities that are required on Affected Systems to reliably interconnect the Transmission Project to the New York State Transmission System. The required upgrades for the Affected Systems will be addressed pursuant to separate agreements.⁶

II. DESCRIPTION OF THE INTERCONNECTION AGREEMENT

The Interconnection Agreement was fully executed on January 16, 2025, by the NYISO, NYPA, and National Grid. Section 22.11 of Attachment P of the OATT establishes the requirements in the NYISO's Transmission Interconnection Procedures for Transmission Project Interconnection Agreements. Pursuant to Section 22.11.1, a Transmission Project Interconnection Agreement shall be consistent with the NYISO's Commission-approved

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 See Order on Priority Transmission Projects Case No. 20-E-0197 (Oct. 15, 2020); Order Approving Environmental Management and Construction Plan, New York Public Service Commission Case No. 18-T-0207 (Feb. 6, 2020).

⁶ The Joint Filing Parties are addressing the work on the Affected Systems through separate Cost Reimbursement Agreements ("CRA") among the Affected System, NYPA or National Grid, and the NYISO that will be filed with the Commission. The NYISO is a signatory to the CRAs solely to ensure that the NYISO is kept apprised of the matters addressed therein and aware of any reliability and planning issues that may arise.

Standard Large Generator Interconnection Agreement located in Attachment X of the OATT, as modified to address a Transmission Project.⁷ Pursuant to these requirements, the Interconnection Agreement is based on and consistent with the Pro Forma LGIA, as modified to address the fact that the facility is a Transmission Project and the particular circumstances of the interconnection.⁸

The Interconnection Agreement varies from the Pro Forma LGIA primarily as follows:

- The Interconnection Agreement concerns a Transmission Project and related Network Upgrade Facilities determined pursuant to the NYISO's Transmission Interconnection Procedures located in Attachment P to the OATT, rather than a Large Generating Facility and the related Attachment Facilities, System Upgrade Facilities and System Deliverability Upgrades determined pursuant to the NYISO's Large Facility Interconnection Procedures in Attachments X and S of the OATT. In addition, the Transmission Project will contain multiple Points of Interconnection between National Grid's and NYPA's systems. For these reasons, the Interconnection Agreement has been modified: (i) to reflect the different Transmission Developers, Transmission Project, Network Upgrade Facilities, and other Transmission

⁷ The NYISO submitted its compliance filing in response to Order Nos. 2023 and 2023-A with the Commission on May 1, 2024, in Docket No. ER24-1915-000 with a requested effective date of May 2, 2024. The NYISO's compliance filing is currently pending with the Commission. As part of its compliance revisions, the NYISO has proposed that Transmission Projects studied under Attachment P use the revised Standard Interconnection Agreement in Attachment HH of the OATT, in place of the Attachment X form, as the template for the interconnection agreement for future Transmission Projects. However, consistent with the NYISO's proposed transition rules set forth in Section 40.3.1.2 of Attachment HH to the NYISO OATT, the NYISO has continued to use the Pro Forma LGIA form in Attachment X of the OATT as the template for this Interconnection Agreement, as the agreement was under negotiation prior to the requested effective date of the new Standard Interconnection Procedures.

⁸ The NYISO submitted a revised version of its Pro Forma LGIA in Attachment X of its OATT with the Commission on May 1, 2024, as part of the NYISO's compliance with Order Nos. 2023 and 2023-A with a requested effective date of May 2, 2024. Consistent with its requested May 2, 2024, effective date, the NYISO used the updated Pro Forma LGIA form as the template for this Interconnection Agreement. The NYISO specifically addressed the potential timing issue with its proposed updates to its Pro Forma LGIA. In particular, Section 29.16 of the updated Pro Forma LGIA and the Interconnection Agreement provides that if the Commission directs that the NYISO modify the Pro Forma LGIA as part of the Order No. 2023 compliance proceeding, the Parties agree to amend the agreement to address these modifications. That is, if the Commission were not to accept the compliance modifications to the Pro Forma LGIA in the Order No. 2023 proceeding, the Parties will amend this Interconnection Agreement to conform it with the agreement accepted by the Commission. The Commission has previously accepted agreements using pending pro forma forms that were subject to amendment based on the Commission's determination. See *New York Independent System Operator, Inc.*, Letter Order, Docket No. ER6-1785-000 (July 19, 2016) (accepting filed operating agreement using a pro forma form that was still pending at the Commission, which agreement provided for parties to amend the agreement to incorporate any modifications to the underlying pro forma form directed by the Commission). If the Commission determines that the modifications to the updated Pro Forma LGIA that were submitted with the Order No. 2023 compliance filing and included in the Interconnection Agreement should instead be considered non-conforming revisions for purposes of this Interconnection Agreement, the NYISO requests that the Commission accept such changes due to the unique timing circumstances that require the non-conforming changes.

Interconnection Procedures terminology and rules used in Attachment P in place of the terminology concerning generation projects in the Pro Forma LGIA,⁹ (ii) to reflect that the Transmission Project is a transmission facility, which has different operating, maintenance, and communication requirements than is required for a Large Generating Facility under the Pro Forma LGIA, and (iii) to address the use of Network Upgrade Facilities, rather than Attachment Facilities, System Upgrade Facilities, and System Deliverability Upgrades.¹⁰

- As NYPA and National Grid are both developing elements of the Transmission Project that interconnect to portions of their respective transmission facilities, the Parties replaced the terms “Developer” and “Connecting Transmission Owner” with NYPA and National Grid to clarify their role as both a Developer and Connecting Transmission Owner under the Interconnection Agreement.
- National Grid and NYPA will each be responsible, at its own expense, for all of the work to design, construct, install, place in service, operate, and maintain their respective portions of the Transmission Project and Network Upgrade Facilities.¹¹ For this reason, the Interconnection Agreement specifies National Grid’s and NYPA’s design, procurement, construction, operation, and maintenance responsibilities concerning the Transmission Project and Network Upgrade Facilities.¹² The Interconnection Agreement does not include the requirements in the Pro Forma LGIA concerning a Developer’s responsibilities concerning a Large Generating Facility or its options or responsibilities to perform work concerning

⁹ The Interconnection Agreement includes the following additional defined terms to address the different project type and terminology: Emergency, Facilities Study, Metering Points, Network Upgrade Facilities, Operating Agreement, System Impact Study, Transmission Developer, Transmission Interconnection Application, Transmission Interconnection Procedures, Transmission Interconnection Study, Transmission project, and Transmission Project Interconnection Agreement. The Interconnection Agreement does not include the following defined terms from the Pro Forma LGIA that concern Large Facilities that are addressed under the NYISO’s Attachments X and S rules: Affected System Operator, Ancillary Services, Attachment Facilities, Balancing Authority, Balancing Authority Area, Base Case, Byway, Capacity Region, Capacity Resource Interconnection Service, Class Year Deliverability Study, Commercial Operation, Commercial Operation Date, Connecting Transmission Owner, Connecting Transmission Owner’s Attachment Facilities, Contingent Facilities, Developer, Developer’s Attachment Facilities, Distribution System, Distribution Upgrades, Energy Resource Interconnection Service, Generating Facility, Generating Facility Capacity, Highway, In-Service Date, Interconnection Facilities Study, Interconnection Facilities Study Agreement, Interconnection Request, Interconnection Study, Interconnection System Reliability Impact Study, Large Generating Facility, Material Modification, NYISO Deliverability Interconnection Standard, Provisional Interconnection Service, Provisional Large Facility Interconnection Agreement, Retired, Stand Alone System Upgrade Facilities, Standard Large Facility Interconnection Procedures, Standard Large Generator Interconnection Agreement, and System Upgrade Facilities.

¹⁰ See Section 5.1 of Article 5 of the Interconnection Agreement.

¹¹ *Id.*

¹² See, e.g. Sections 1.A and 1.B of Appendix C of the Interconnection Agreement.

Attachment Facilities or Stand Alone System Upgrade Facilities. In addition, as each Transmission Owner is responsible for the work on its own system at its own expense, the Interconnection Agreement clarifies NYPA's and National Grid's responsibility for the testing, operation, and maintenance of its own facilities, clarifies the limited property access rights required for the other Parties in connection with this work, clarifies that NYPA and National Grid will each be responsible for its own disconnection costs, and does not include the invoice, security, and tax requirements from the Pro Forma LGIA as both NYPA and National Grid are responsible for its own costs for this work.

- The Transmission Project will interconnect with NYPA's and National Grid's systems at multiple Points of Interconnection with multiple Points of Change of Ownership. Accordingly, the Interconnection Agreement provides for multiple Points of Interconnection and Points of Change of Ownership, which are described in Appendix C.¹³ In addition, the Network Upgrade Facilities and Transmission Project will enter into service across multiple dates. Accordingly, the Interconnection Agreement provides for these multiple dates.
- As the Transmission Project was evaluated in the NYISO's Transmission Interconnection Procedures in Attachment P to the OATT, the parties modified the Modification provisions to account for the Modification Rules in Attachment P.¹⁴
- NYPA and National Grid will each perform the metering related requirements on its own system associated with the interconnection. The Parties, therefore, clarified the metering requirements to make clear NYPA's and National Grid's responsibilities.¹⁵
- The Interconnection Agreement also includes minor clean-ups and revisions agreed upon among all of the Parties that are consistent with the terms of the Interconnection Agreement.

III. PROPOSED EFFECTIVE DATE AND REQUEST FOR WAVIER OF THE 60-DAY NOTICE PERIOD

The Joint Filing Parties request an effective date of January 16, 2025, for the Interconnection 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

¹³ See, e.g., Section 2 and Figure C-1 of Appendix C of the Interconnection Agreement.

¹⁴ See Article 5.9 of the Interconnection Agreement.

¹⁵ See Article 7 of the Interconnection Agreement.

requested effective date. The Commission has previously permitted interconnection agreements to become effective upon the date of execution.¹⁶

IV. **REQUEST FOR CEII TREATMENT**

Pursuant to Sections 388.112 and 388.113 of the Commission's regulations,¹⁷ NYPA and National Grid requests that the one-line diagrams included in Appendix A of the Agreement and labeled as Figures 1 – 9 be protected from disclosure as Critical Energy Infrastructure Information ("CEII").¹⁸ The diagrams contain detailed, one-line schematics that, 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.

¹⁶ See, e.g., *New York Independent System Operator, Inc. and New York State Electric & Gas Corporation*, 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).

¹⁷ 18 C.F.R. §§ 388.112 and 388.113 (2021).

¹⁸ As required by Section 388.113(d)(1)(i) of the Commission's regulations, NYPA and National Grid have described in the filing letter how the one-line diagrams in Appendix A and the table in Appendix C satisfy the definition of critical energy infrastructure information as that 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 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 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 and National Grid request that the Commission designate the CEII material submitted on January 31, 2025, with the full five-year CEII designation provided for in Section 388.113(e)(1) as the information provided in the one-line diagrams and table will continue to satisfy the definition of critical energy infrastructure information for this entire period.

V. COMMUNICATIONS AND CORRESPONDENCE

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

For the NYISO¹⁹

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¹⁹ 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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VI. DOCUMENTS SUBMITTED

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

- A clean Public version of the Interconnection Agreement (Attachment I);
- A blacklined Public version of the Interconnection Agreement showing the changes from the Pro Forma LGIA (Attachment II);
- A clean CEII version of the Agreement (Attachment III); and
- The signature pages for the Interconnection Agreement (Attachment IV).

VII. SERVICE

On behalf of the Joint Filing Parties, the NYISO will send an electronic link to this filing to the official representative of each of its customers, to each participant on its stakeholder committees, to the New York Public Service Commission, and to the New Jersey Board of Public Utilities. In addition, a complete copy of the documents included with this filing will be posted on the NYISO's website at www.nyiso.com.

VIII. CONCLUSION

Wherefore, the Joint Filing Parties respectfully request that the Commission accept the Interconnection Agreement for filing with an effective date of January 16, 2025.

Respectfully submitted,

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