

October 30, 2013

**By Electronic Delivery**

**CONTAINS CRITICAL ENERGY  
INFRASTRUCTURE INFORMATION**

Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: Filing of an Executed Amended and Restated Large Generator Interconnection Agreement Among the New York Independent System Operator, Inc., Consolidated Edison Company of New York, Inc., and Bayonne Energy Center, LLC and Request for Critical Energy Infrastructure Information Designation, Docket No. ER14-\_\_\_\_-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act,<sup>1</sup> Section 35.12 of the Commission's Regulations,<sup>2</sup> and Section 11.3 of its Large Facility Interconnection Procedures ("LFIP"), the New York Independent System Operator, Inc. ("NYISO") and Consolidated Edison Company of New York, Inc. ("Con Edison") ("Joint Filing Parties") hereby tender for filing an executed Amended and Restated Large Generator Interconnection Agreement ("Amended Agreement") as Service Agreement No. 1668 among the NYISO, Con Edison as the Connecting Transmission Owner, and Bayonne Energy Center, LLC ("BEC") as the Developer.<sup>3</sup> The Joint Filing Parties respectfully request waiver of the Commission's 60-day notice period to make this Agreement effective as of October 16, 2013, the execution date of the Amended Agreement.

**I. Documents Submitted**

The NYISO submits the following documents:

- this filing letter;
- a clean Public version of the Amended Agreement (Attachment I);

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<sup>1</sup> 16 U.S.C. § 824d (2006).

<sup>2</sup> 18 C.F.R. § 35.12 (2008).

<sup>3</sup> Capitalized terms not otherwise defined in this letter have the meaning set forth in Attachments S and X of the NYISO's Open Access Transmission Tariff ("OATT").

- a blacklined Public version showing the Amended Agreement's changes from the Original Agreement (Attachment II);
- a clean CEII version of the Amended Agreement (Attachment III);
- a graphic of the signature pages for the Amended Agreement (Attachment IV).

## II. Discussion of Changes

The Amended Agreement supersedes a Large Generator Interconnection Agreement among the parties that was filed in Docket No. ER11-2199-000 as Service Agreement No. 1668 ("Original Agreement"). The Original Agreement was accepted by the Commission on December 28, 2010.<sup>4</sup> The Original Agreement stated that BEC's Large Generating Facility ("BEC Facility") would be a nominal 512 MW multi-unit, simple-cycle natural gas-fired facility with a net summer capability of 500 MW at 95° F, and a net winter capability of 500 MW at 10° F.

The BEC Facility's capability, as reflected in the Original Agreement, was based on data provided to the NYISO and Con Edison by BEC in the final NYISO interconnection study – the Class Year 2009 Interconnection Facilities Study ("Class Year 2009 Study"). Notably, in an earlier study, the System Reliability Impact Study for the BEC Facility, it was studied with a winter capability of 512 MW – its full nameplate value. In the data collection portion of the Class Year 2009 Study, however, BEC represented that it anticipated 12 MW in auxiliary load year-round, resulting in a net capability of 500 MW in both summer and winter. BEC also represented that its gross capability was a flat 512 MW in both summer and winter – *i.e.*, that the unit is not temperature sensitive. As a result, the Original Agreement provided that the BEC Facility has a net summer capability of 500 MW at 95° F, a net winter capability of 500 MW at 10° F, and that the BEC Facility would not deliver in excess of 500 MW to the Point of Interconnection at any time.

Since the filing of the Original Agreement, the BEC Facility has become fully operational and it has become apparent to the parties that its net winter capability exceeds the 500 MW by up to 12 MWs. This is due, in part, to a mis-estimation by BEC of its auxiliary load, which is often less than 12 MW, and is also due to the BEC Facility, as built, being temperature sensitive.

The Joint Filing Parties therefore submit this Amended Agreement to update the description of the BEC Facility that was provided in Appendix C of the Original Agreement and to clearly specify, through technical description and the insertion of a performance curve, the BEC Facility's as-built capability. In addition, the Joint Filing Parties submit additional revisions that were agreed to by the Parties as part of the Amended Agreement to reflect updated

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<sup>4</sup> *New York Independent System Operator, Inc. and Consolidated Edison Company of New York, Inc.*, Order, Docket No. ER08-618-000 (issued April 29, 2008).

milestones, updated contact information, revisions that have been approved to the *pro forma* Large Generator Interconnection Agreement since the Original Agreement was executed, and revisions to reflect that this is an “Amended and Restated” agreement. Specifically, the Amended Agreement reflects the following modifications:

- (1) modifications to the technical description of the BEC Facility in Appendix C to reflect the as-built gross and net capability with more specificity;
- (2) insertion of a performance curve as “Figure C-1” and re-naming as “Figure C-2” the diagram that was previously designated as “Figure C-1”;
- (3) updates to the milestones in Appendix B;
- (4) updates to the contact information in Appendix F;
- (5) modifications to reflect revisions to the *pro forma* Large Generator Interconnection Agreement that have been approved by the Commission since the execution of the Original Agreement; and
- (6) modifications to reflect that this is an “Amended and Restated” agreement, including language added to Section 2.1 to indicate that “[u]pon its effectiveness, this Agreement will supersede and replace the November 10, 2010 Large Generator Interconnection Agreement among the Developer, NYISO and Connecting Transmission Owner, without prejudice to any rights, claims, or obligation under the November 2010 LGIA that have accrued as of the date of effectiveness of this Agreement.”

The blacklined Amended Agreement attached to this filing shows all of these changes that were made to the currently effective Original Agreement. The Joint Filing Parties respectfully request that the Commission accept this Amended Agreement.

### **III. Request for CEII Treatment**

Pursuant to the Commission’s regulations at 18 C.F.R. §388.112 and 18 C.F.R. § 388.113, Con Edison requests that the one-line diagram included as part of Appendix A to the Amended Agreement (Figure A-1) be protected from disclosure as Critical Energy Infrastructure Information (“CEII”). This one-line diagram is unchanged from Figure A-1 in the Original Agreement for which Con Edison requested, and the Commission granted, CEII treatment.

This diagram contains detailed, one-line schematics of transmission lines, the Gowanus substation and generation facilities that, if disclosed, could pose a threat to the security and the reliability of the New York State bulk power system. This diagram provides more than simply the general location of critical infrastructure. Unlike publicly available maps of power transmission lines and generation and substation facilities, this schematic shows the exact nature and specific location of facilities and transmission lines used to maintain the reliability of the

New York State bulk power system. This diagram, in Con Edison's assessment, reveals such critical information related to the facilities and transmission depicted therein that, if disclosed, could be useful to a person seeking to disable the power grid. Therefore, the disclosure of this CEII diagram would pose a threat to the reliability of the New York State bulk power system and to the health and safety of New York residents. Moreover, the information revealed in this schematic reveals CEII which FERC has determined to be exempt from mandatory disclosure under 5 U.S.C. § 552(b)(7)(F). The diagram has been omitted from the Public version of the Amended Agreement included in this filing. The diagram is included only in the CEII version of the Amended Agreement in the filing.

All communications relating to this request for CEII treatment should be addressed to the following:

John Beck  
Section Manager  
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4 Irving Place, Room 1450-S  
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[BeckJ@coned.com](mailto:BeckJ@coned.com)

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Phone: (212) 460-2764  
Fax: (212) 529-9265  
[SavageP@coned.com](mailto:SavageP@coned.com)

#### **IV. Effective Date and Request for Waiver of the 60-Day Notice Period**

The parties request an effective date of October 16, 2013 for the Amended Agreement, which is the date of execution. The Commission has allowed interconnection agreements to become effective on the date of execution, even when that date precedes the date that an interconnection agreement is filed. Accordingly, the parties request that the Commission grant a waiver of its prior notice requirements to the extent necessary to accommodate this requested effective date.

#### **V. Communications and Correspondence**

Communications regarding this filing should be directed to:

#### **For the NYISO**

Robert E. Fernandez, General Counsel  
Karen Georgenson Gach, Deputy General Counsel  
\*Sara B. Keegan, Senior Attorney  
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\*Designated to receive service.

**VI. Service**

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 this filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com).

**VII. Conclusion**

Wherefore, the NYISO respectfully requests that the Commission accept the Amended Agreement effective as of October 16, 2013.

Respectfully submitted,

/s/ Sara B. Keegan

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

/s/ Paul Savage

Paul Savage  
Counsel for Consolidated Edison Company of New  
York, Inc.