



Marc Richter
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December 9, 2014

NON-PUBLIC VERSION
CONTAINS CRITICAL ENERGY
INFRASTRUCTURE INFORMATION

By Electronic Delivery

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

Re: *Consolidated Edison Company of New York, Inc.*
Docket No. ER14-1750-000

Dear Secretary Bose:

Consolidated Edison Company of New York, Inc. (“Con Edison”) hereby re-files the following contract relating to operating and maintenance service (“O&M Service”) provided by Con Edison on behalf of the New York Power Authority (“NYPA”):

- (1) Amended and Second Composite Agreement between Con Edison and the New York Power Authority for the Operation and Maintenance of the Facilities Associated With Astoria Annex Substation 345kV Gas-Insulated Substation, dated as of January 2013, (the “Restated Agreement”),

The Restated Agreement is being refiled with the Commission because a metadata error occurred with the July 14, 2014 electronic filing of the Restated Agreement.

On April 22, 2014, Con Edison filed two agreements with the Commission: (1) the Amended and Composite Agreement between Con Edison and the New York Power Authority for the Operation and Maintenance of the Facilities Associated With Astoria Annex Substation

345kV Gas-Insulated Substation, dated as of January 2013 (“First Composite Agreement”); and (2) the Revised First Amendment to the Agreement between Consolidated Edison Company of New York, Inc. and the New York Power Authority for the Operation and Maintenance of the Facilities Associated with Astoria Annex Substation 345kV Gas-Insulated Substation (“Annex Substation”), dated as of March 1 (“Revised First Amendment,”) (collectively, the “O&M Agreement”).

In the June 12th Order, the Commission accepted the O&M Agreement on the condition that the terms of the Revised First Amendment be inserted into the First Composite Agreement, such that all the effective terms and conditions are contained in a single agreement. The Restated Agreement implements the Commission’s directive. On July 14, 2014 the Restated Agreement was filed with the Commission, as required by the June 12th Order.

As discussed below, the Restated Agreement contains material that constitutes Critical Energy Infrastructure Information (“CEII”), which should be protected from disclosure. Accordingly, this filing consists of the following documents:

- this transmittal letter;
- the Restated Agreement - Public Version (Attachment A),
- the Restated Agreement - Non-Public Version (Attachment B); and
- Redlined Restated Agreement –Public (Attachment C).¹

1. THE AGREEMENT

The following is a summary of the major terms and conditions that were initially contained in the Revised First Amendment that have been inserted into the Restated Agreement

- “Whereas” Clauses modified to provide background on April 22, 2014 filing and the requirement to insert terms and conditions of Restated First Amendment into Restated Agreement;
- Section 2.1 has been revised to include the First Composite Agreement and the revised First Amendment existed prior to Commission acceptance of the Restated Agreement;
- Section 4.1 has been revised to incorporate the provisions of the Revised First Amendment that Con Edison was taking over the O&M responsibilities prior to all the conditions precedent being satisfied by NYPA;

¹ The Redlined Restated Agreement does not contain the Exhibits because inserting the terms of the Revised First Amendment into the First Composite Agreement did not require changes to any of the Exhibits.

- Sections 4.25 and 4.3 were amended to include the provision that Con Edison was taking over the O&M responsibilities prior to all the conditions precedent being satisfied by NYPA;
- Sections 12.2, 12.5, 18.4, and 19.1 have been revised to include the term “Additional Work” and “Risks.” These inserts have been made because of the changes made to sections 4.1 and 4.2.5; and
- Section 27.1 was amended to permit the agreement to be executed in counter parts.

2. REQUEST FOR CRITICAL ENERGY INFRASTRUCTURE INFORMATION TREATMENT

In Its April 22, 2014 filing, Con Edison requested that the Commission treat the material contained in Exhibits A, D, and E as CEII under the Commission’s regulation 18 C.F.R. 338.113. Con Edison renews this CEII request. As stated in the April 22, 2014 filing, the disclosure of this information could be useful to a person seeking to disable the power grid and would thus pose a threat to the reliability of the New York State bulk power system and to the health and safety of New York residents.

3. COMMUNICATIONS AND SERVICE

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

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Con Edison requests that questions or other communications regarding this filing be addressed to:

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Con Edison has served a copy of this filing on NYPA, the New York Public Service Commission, and the New York Independent System Operator, Inc.

4. CONCLUSION

For the reasons discussed above, Con Edison requests that the Commission, accept the enclosed agreement for filing, and allow the agreement to become effective on April 23, 2014, as stated in the June 12, 2014 order.

Respectfully submitted,

A handwritten signature in black ink that reads "Marc Richter". The signature is written in a cursive, flowing style.

Marc Richter

Attachments