22 Attachment P - Transmission Interconnection Procedures

22.1 Definitions

Whenever used in these Transmission Interconnection Procedures with initial

capitalization, the following terms shall have the meanings specified in this Section 22.1. Terms used in these procedures with initial capitalization that are not defined in this Section 22.1 shall have the meanings specified in Sections 30.1 of Attachment X, Section 25.1.2 of Attachment S, or Section 31.1.1 of Attachment Y of the ISO OATT, or, if not defined therein, in Section 1 of the ISO OATT or Section 2 of the ISO Services Tariff.

Applicable Reliability Standards shall mean the requirements and guidelines of the Applicable Reliability Councils, and the Transmission District, to which the Developer’s Transmission
Project is directly interconnected, as those requirements and guidelines are amended and
modified and in effect from time to time; provided that no Party shall waive its right to challenge the applicability or validity of any requirement or guideline as applied to it in the context of the Transmission Interconnection Procedures.

Base Case shall mean the base case power flow, short circuit, and stability data bases used for
the Transmission Interconnection Studies by the ISO, Connecting Transmission Owner, or the
Transmission Developer, as described in Section 22.6.1 of the Transmission Interconnection
Procedures.

Connecting Transmission Owner shall mean the New York public utility or authority (or its
designated agent) that (i) owns facilities used for the transmission of Energy in interstate
commerce and provides Transmission Service under the Tariff, or (ii) owns, leases or otherwise
possesses an interest in the portion of the New York State Transmission System at the Point of
Interconnection. If a Transmission Project interconnects to more than one Connecting
Transmission Owner, the term Connecting Transmission Owner as it appears in this Attachment
P shall be read to include all of the Transmission Project’s Connecting Transmission Owners.

Facilities Study shall mean the study conducted pursuant to Section 22.9 of this Attachment P to determine a list of facilities required to reliably interconnect the Transmission Project (including Network Upgrade Facilities) as identified in the System Impact Study, the cost of those facilities, and the time required to interconnect the Transmission Project with the New York State
Transmission System.

Facilities Study Agreement shall mean the agreement described in Section 22.9.1 of this Attachment P.

In-Service Date shall mean the date upon which the Transmission Project is energized

consistent with the provisions of the Transmission Project Interconnection Agreement and available to provide Transmission Service under the NYISO Tariffs.

Network Upgrade Facilities shall mean the least costly configuration of commercially available
components of electrical equipment that can be used, consistent with good utility practice and
Applicable Reliability Requirements, to make the modifications or additions to the New York
State Transmission System that are required for the proposed Transmission Project to connect
reliably to the system in a manner that meets the NYISO Transmission Interconnection Standard.

NYISO Transmission Interconnection Standard shall mean the reliability standard that must be met by any Transmission Project proposing to connect to the New York State Transmission System. The standard is designed to ensure reliable access by the proposed project to the New York State Transmission System.

Optional Feasibility Study shall mean the preliminary evaluation of the system impact and cost
of interconnecting a Transmission Project to the New York State Transmission System
conducted at the option of the Transmission Developer pursuant to Section 22.7 of this
Attachment P.

Optional Feasibility Study Agreement shall mean the agreement described in Section 22.7.1 of this Attachment P.

Party or Parties shall mean any entity or entities subject to the requirements of these Transmission Interconnection Procedures.

Point of Interconnection shall mean the point(s) where the Transmission Project connects to the New York State Transmission System.

Queue Position shall mean the order of a valid Interconnection Request, Study Request, or Transmission Interconnection Application relative to all other such pending requests, that is established based upon the date and time of receipt of the valid request by NYISO, unless specifically provided otherwise in an applicable transition rule set forth in Attachment P, Attachment X or Attachment Z to the ISO OATT.

Reasonable Efforts shall mean, with respect to an action required to be attempted or taken by a Party under the Transmission Interconnection Procedures, efforts that are timely and consistent with Good Utility Practice and are otherwise substantially equivalent to those a Party would use to protect its own interests.

Scoping Meeting shall mean the meeting described in Section 22.4.2.4.

Security shall mean a bond, irrevocable letter of credit, parent company guarantee or other form
of security from an entity with an investment grade rating, executed for the benefit of the
Connecting Transmission Owner, and/or Affected System Operator, meeting the commercially
reasonable requirements of the Connecting Transmission Owner, or Affected System Operator
with which it is required to be posted pursuant to Section 22.9.3 of this Attachment P.

System Impact Study shall mean the study conducted pursuant to Section 22.8 of this

Attachment P that evaluates the impact of the proposed Transmission Project on the safety and
reliability of the New York State Transmission System and, if applicable, an Affected System, to
determine what Network Upgrade Facilities are needed for the proposed Transmission Project to

connect reliably to the New York State Transmission System in a manner that meets the NYISO Transmission Interconnection Standard described in Section 22.6.4 of this Attachment P.

System Impact Study Agreement shall mean the agreement described in Section 22.8.1 of this Attachment P.

Transmission Interconnection Application shall mean the Transmission Developer’s request, in the form of Appendix 1 to the Transmission Interconnection Procedures, to interconnect a Transmission Project to the New York State Transmission System.

Transmission Developer shall mean any entity, including the Connecting Transmission Owner or any of its Affiliates or subsidiaries that proposes to interconnect its Transmission Project with the New York State Transmission System.

Transmission Interconnection Studies shall mean any of the following studies: the Optional Feasibility Study, the System Impact Study, and the Facilities Study described in the
Transmission Interconnection Procedures.

Transmission Project shall be a Transmission Developer’s proposed transmission facility or
facilities that collectively satisfy the definition of Transmission Project in Section 22.3.1.

Transmission Project Interconnection Agreement shall mean the interconnection agreement applicable to a Transmission Interconnection Application pertaining to a Transmission Project that is entered into in accordance with Section 22.11.

22.2 Scope and Application

22.2.1 Application of Transmission Interconnection Procedures

The Transmission Interconnection Procedures (“TIP”) in Sections 22.2.1 through 22.13
apply to the processing of a Transmission Interconnection Application pertaining to a
Transmission Project proposing to interconnect to the New York State Transmission System.

22.2.2 Comparability

The ISO shall receive, process and analyze all Transmission Interconnection Applications
in a timely manner as set forth in the Transmission Interconnection Procedures. As described
herein, the ISO will process and analyze all Transmission Interconnection Applications with
independence and impartiality, in cooperation with and with input from the Transmission
Developers, Connecting Transmission Owners and other Market Participants. The ISO will
perform, oversee or review the Transmission Interconnection Studies to ensure compliance with
the Transmission Interconnection Procedures. The ISO will use the same Reasonable Efforts in
processing and analyzing Transmission Interconnection Applications from all Transmission
Developers, whether or not the Transmission Projects are owned by a Transmission Owner, its
subsidiaries or Affiliates, or others.

22.2.3 No Applicability to Transmission Service or Other Services

Nothing in these Transmission Interconnection Procedures shall constitute a request for Transmission Service or confer upon a Transmission Developer any right to receive
Transmission Service. Nothing in these Transmission Interconnection Procedures shall
constitute a request for, nor agreement to provide, any energy, Ancillary Services or Installed Capacity under the ISO Services Tariff.

22.3 Transmission Projects Subject to Transmission Interconnection Procedures

22.3.1 Definition of a Transmission Project

22.3.1.1 A Transmission Project, as defined in this Section 22.3.1, shall be subject

to the Transmission Interconnection Procedures in this Attachment P.

22.3.1.2 Except as otherwise provided in Section 22.3.1.3, a Transmission Project

shall include a Transmission Developer’s proposed new transmission facility that
will interconnect to the New York State Transmission System or a Transmission
Developer’s proposed upgrade - an improvement to, addition to, or replacement
of a part of an existing transmission facility - to the New York State Transmission
System.

22.3.1.3 Notwithstanding the definition of Transmission Project in Section

22.3.1.2, the following transmission facilities will not be a Transmission Project
that is subject to these Transmission Interconnection Procedures: (i) a Class Year
Transmission Project as defined in Attachment X to the ISO OATT, or (ii) a new
transmission facility or upgrade proposed by a Transmission Owner in its Local
Transmission Owner Plan or NYPA transmission plan that is not subject to the
ISO’s competitive selection process in the ISO’s Comprehensive System Planning
Process in Attachment Y of the ISO OATT and for which the Transmission
Owner is not seeking cost allocation under the ISO OATT. A proposed
controllable line for which the proposing entity is seeking CRIS to receive UDRs
shall be subject to the interconnection requirements in Attachments S and X of the
ISO OATT. A Transmission Owner’s proposed new transmission facility or
upgrade that is not a Transmission Project shall be subject to the transmission
expansion requirements in Section 3.7 of the ISO OATT.

22.3.2 Entering Service Early to Maintain System Reliability

If a Transmission Developer requests to enter into service prior to the completion of all Transmission Interconnection Studies and the completion of any required Network Upgrade
Facilities, the Connecting Transmission Owner and the ISO will permit to the Transmission
Project’s early entry into service if: (i) there is a Transmission Project Interconnection
Agreement for the Transmission Project, and (ii) the ISO and Connecting Transmission
Owner(s) have determined that the Transmission Project can enter into service without violating Applicable Laws and Regulations, Applicable Reliability Standards, Good Utility Practice, and the Transmission Project Interconnection Agreement.

22.3.3 Procedures for Interconnection Requests and Study Requests Submitted

Prior to the Effective Date of the Transmission Interconnection

Procedures

22.3.3.1 Queue Position for Pending Requests

22.3.3.1.1 Any Transmission Developer assigned one or more Queue Position(s) for

its Transmission Project prior to the effective date of these Transmission

Interconnection Procedures as a Developer for an Interconnection Request

submitted pursuant to Attachment X of the ISO OATT or for a Study Request
submitted pursuant to Sections 3.7 or 4.5 of the OATT shall retain that Queue
Position and may, as applicable, consolidate multiple Queue Positions that

collectively address the Transmission Project into one Queue Position.

22.3.3.1.2 If an agreement for one of the Interconnection Studies under Attachment

X of the ISO OATT or the System Impact Study or Facilities Study under

Sections 3.7 or 4.5 of the OATT for a Transmission Project has not been executed
as of the effective date of these Transmission Interconnection Procedures, then

such study, and any subsequent studies, shall be processed in accordance with these Transmission Interconnection Procedures.

22.3.3.1.3 If an agreement for one of the Interconnection Studies under Attachment

X of the ISO OATT or the System Impact Study or Facilities Study under

Sections 3.7 or 4.5 of the OATT for a Transmission Project has been executed
prior to the effective date of these Transmission Interconnection Procedures, the
Transmission Developer (previously referred to as the Developer or Eligible

Customer) that executed the agreement may elect to either complete such study in
accordance with the terms of such agreement or to execute the agreement for the
comparable study, and to proceed, under these Transmission Interconnection

Procedures. If the Transmission Developer elects to complete the study under

Attachment X of the OATT or Sections 3.7 or 4.5 of the OATT, the Transmission Developer will proceed with any subsequent studies for the Transmission Project in accordance with the Transmission Interconnection Procedures.

22.3.3.1.4 If an interconnection agreement for a facility that satisfies the definition of

Transmission Project in Section 22.3.1 has been submitted to the Commission for approval before the effective date of these Transmission Interconnection
Procedures, then the interconnection agreement would be grandfathered.

22.3.3.2 Transition Period

To the extent necessary, the ISO and Transmission Developers with an outstanding
request under Attachment X of the ISO OATT or Sections 3.7 or 4.5 of the OATT (i.e., an
Interconnection Request or a Study Request) for which an interconnection agreement has not
been submitted to the Commission for approval as of the effective date of these Transmission

Interconnection Procedures) shall transition to these procedures within a reasonable period of
time not to exceed sixty (60) Calendar Days. The use of the term “outstanding request” herein
shall mean any Interconnection Request or Study Request, on the effective date of these
Transmission Interconnection Procedures: (i) that has been submitted but not yet accepted by the
ISO; (ii) where the related interconnection agreement has not yet been submitted to the
Commission for approval in executed or unexecuted form, (iii) where the relevant agreements for
Interconnection Studies under Attachment X of the ISO OATT or the System Impact Study or
Facilities Study under Sections 3.7 or 4.5 of the OATT have not yet been executed, or (iv) where
any of the relevant Interconnection Studies under Attachment X of the ISO OATT or the System
Impact Study or Facilities Study under Sections 3.7 or 4.5 of the OATT are in process but not yet
completed. Any Transmission Developer with an outstanding request as of the effective date of
these Transmission Interconnection Procedures may request a reasonable extension of any
deadline, otherwise applicable, if necessary to avoid undue hardship or prejudice to its
Transmission Interconnection Application. A reasonable extension shall be granted by the ISO
to the extent consistent with the intent and process provided for under these Transmission
Interconnection Procedures.

22.3.4 New Transmission Provider

If the ISO transfers its control of the New York State Transmission System to a successor
transmission provider during the period when a Transmission Interconnection Application is
pending, the ISO shall transfer to the successor transmission provider any amount of the deposit
or payment with interest thereon that exceeds the cost that it incurred to evaluate the request for
interconnection. Any difference between such net amount and the deposit or payment required
by these Transmission Interconnection Procedures shall be paid by or refunded to the

Transmission Developer, as appropriate. The ISO shall coordinate with the successor

transmission provider to complete any Transmission Interconnection Applications (including Transmission Interconnection Studies), as appropriate, that the ISO has begun but has not
completed. If the ISO has tendered a draft Transmission Project Interconnection Agreement to the Transmission Developer but the Transmission Developer has not either executed that
interconnection agreement or requested the filing of an unexecuted Transmission Project
Interconnection Agreement with FERC, unless otherwise provided, the Transmission Developer must complete negotiations with the successor transmission provider.

22.4 Transmission Interconnection Application

22.4.1 General

A Transmission Developer proposing to interconnect a Transmission Project to the New
York State Transmission System shall submit to the ISO a Transmission Interconnection
Application in the form of Appendix 1 to these Transmission Interconnection Procedures. The
Transmission Interconnection Application must be accompanied by a non-refundable application
fee of $10,000. The application fee shall be divided equally between the ISO and Connecting
Transmission Owner(s).

22.4.2 Valid Transmission Interconnection Application

22.4.2.1 Initiating a Transmission Interconnection Application

To initiate a Transmission Interconnection Application, a Transmission Developer must
submit a $10,000 non-refundable application fee and a completed application in the form of
Appendix 1. The expected In-Service Date of the Transmission Project provided at the time of
the submission of the Transmission Interconnection Application, and updates to the In-Service
Date submitted after submission of the Transmission Interconnection Application, shall be no
more than ten (10) years from the date the Transmission Interconnection Application is received
by the ISO, subject to demonstration of reasonable progress of development of the Transmission
Project.

22.4.2.2 Acknowledgment and Notification of Transmission Interconnection
 Application

The ISO shall acknowledge receipt of the Transmission Interconnection Application

within five (5) Business Days of receipt of the request and attach a copy of the received

Transmission Interconnection Application to the acknowledgement it returns to the Transmission

Developer. At the same time, the ISO shall forward a copy of the Transmission Interconnection Application and its acknowledgement to the Connecting Transmission Owner(s) with whom the Transmission Developer is proposing to connect; provided, however, that any Transmission Interconnection Application that is submitted for a proposed project subject to the ISO’s
competitive selection process in the ISO’s Comprehensive System Planning Process in
Attachment Y to the ISO OATT shall not be forwarded to the Connecting Transmission
Owner(s) until the close of the applicable solicitation window.

22.4.2.3 Deficiencies in Transmission Interconnection Application

A Transmission Interconnection Application will not be considered to be a valid

application until all items in Section 22.4.2.1 have been received by the ISO and the applicable
solicitation window has closed for any Transmission Interconnection Application that is
submitted for a proposed project subject to the ISO’s competitive selection process in the ISO’s
Comprehensive System Planning Process in Attachment Y to the ISO OATT. If a Transmission
Interconnection Application fails to meet the requirements set forth in Section 22.4.2.1, the ISO
shall notify the Transmission Developer and the Connecting Transmission Owner(s) within five

(5) Business Days of receipt of the initial Transmission Interconnection Application of the

reasons for such failure and that the Transmission Interconnection Application does not

constitute a valid application. However, for any Transmission Interconnection Application that
is submitted for a proposed project subject to the ISO’s competitive selection process in the
ISO’s Comprehensive System Planning Process in Attachment Y to the ISO OATT and that fails
to meet the requirements set forth in Section 22.4.2.1, the ISO shall notify the Transmission
Developer and the Connecting Transmission Owner(s) no later than five (5) Business Days
following the close of the applicable solicitation window. The Transmission Developer shall

provide the ISO the additional requested information needed to constitute a valid application

within ten (10) Business Days after receipt of such notice. The ISO shall promptly forward such
information to the Connecting Transmission Owner(s); provided, however, for any Transmission
Interconnection Application that is submitted for a proposed project subject to the ISO’s
competitive selection process in the ISO’s Comprehensive System Planning Process in
Attachment Y of the ISO OATT, such information will not be forwarded to the Connecting
Transmission Owner(s) until the close of the applicable solicitation window. Failure by the
Transmission Developer to comply with this Section 22.4.2.3 shall be treated in accordance with
Section 22.4.5.

22.4.2.4 Scoping Meeting

Within ten (10) Business Days after receipt of a valid Transmission Interconnection Application, the ISO shall establish a date agreeable to the Transmission Developer and the Connecting Transmission Owner(s) for the Scoping Meeting. The date shall be no later than thirty (30) Calendar Days from receipt of the valid Transmission Interconnection Application, unless otherwise mutually agreed upon by the Parties.

The purposes of the Scoping Meeting shall be to discuss whether the Transmission

Developer elects to pursue an Optional Feasibility Study or proceed to a System Impact Study
for its Transmission Project, to discuss alternative interconnection options, to exchange
information including any transmission data that would reasonably be expected to impact such
interconnection options, to analyze such information and to determine the potential feasible
Points of Interconnection. The ISO, Connecting Transmission Owner(s), and the Transmission
Developer will bring to the meeting such technical data, including, but not limited to: (i) general
facility loadings, (ii) general stability issues, (iii) general short circuit issues, (iv) general voltage

issues, (v) general reliability issues, and (vi) general system protection issues, as may be

reasonably required to accomplish the purpose of the meeting. The ISO, Connecting

Transmission Owner(s) and the Transmission Developer will also bring to the meeting personnel and other resources as may be reasonably required to accomplish the purpose of the meeting in the time allocated for the meeting. The Transmission Developer shall in writing within five (5) Business Days of this meeting: (i) make its election as to whether it will pursue an Optional
Feasibility Study or proceed to a System Impact Study for its Transmission Project, and (ii)
designate the Point(s) of Interconnection for the Transmission Project. The duration of the
meeting shall be sufficient to accomplish its purpose.

22.4.3 OASIS Posting

The ISO will maintain on its OASIS a list of all valid Transmission Interconnection

Applications. The list will identify, for each Transmission Interconnection Application: (i) the
maximum summer and winter megawatt electrical output, if applicable; (ii) the location by
county and state; (iii) the station or transmission line or lines where the interconnection will be
made; (iv) the projected In-Service Date; (v) the status of the Transmission Interconnection
Application, including Queue Position; (vi) the identity of the Transmission Developer; (vii) the
availability of any studies related to the Transmission Interconnection Application; (viii) the date
of the Transmission Interconnection Application; (ix) the type of the Transmission Project to be
constructed; and (x) for Transmission Interconnection Applications that have not resulted in a
completed interconnection, an explanation as to why it was not completed. Before holding a
Scoping Meeting with an Affiliate of a Connecting Transmission Owner and that Connecting
Transmission Owner, the ISO shall post on its OASIS an advance notice of its intent to do so.
The ISO shall post to its OASIS site any deviations from the study timelines set forth herein.

Transmission Interconnection Study reports shall be posted to the ISO password-protected

website subsequent to the meeting between the Transmission Developer, the ISO and the

Connecting Transmission Owner(s) to discuss the applicable study results. The ISO shall also
post any known deviations in date proposed by the Transmission Project in Section 22.4.3(iv),
above.

22.4.4 Coordination with Affected Systems

The ISO will coordinate the conduct of any studies required to determine the impact of the Transmission Interconnection Application on Affected Systems with Affected System
Operators. The ISO will include those results on Affected Systems in its applicable
Transmission Interconnection Study within the time frame specified in these Transmission
Interconnection Procedures. The ISO will also include results, if available, on other Affected Systems. The ISO will invite such Affected System Operators to all meetings held with the
Transmission Developer as required by these Transmission Interconnection Procedures. The Transmission Developer will cooperate with the ISO in all matters related to the conduct of
studies and the determination of modifications to Affected Systems. An Affected System
Operator shall cooperate with the ISO and Connecting Transmission Owner(s) with whom
interconnection has been requested in all matters related to the conduct of studies and the
determination of modifications to Affected Systems.

22.4.5 Withdrawal

The Transmission Developer may withdraw its Transmission Interconnection Application at any time by written notice of such withdrawal to the ISO. In addition, if the Transmission Developer fails to adhere to all requirements of these Transmission Interconnection Procedures, except as provided in Section 22.13.5 (Disputes), the ISO shall deem the Transmission

Interconnection Application to be withdrawn and shall provide written notice to the

Transmission Developer of the deemed withdrawal and an explanation of the reasons for such

deemed withdrawal. Upon receipt of such written notice, the Transmission Developer shall have
a cure period of fifteen (15) Business Days in which to either respond with information or
actions that cures the deficiency or to notify the ISO of its intent to pursue Dispute Resolution.
 Withdrawal following the end of the cure period shall result in the loss of the
Transmission Developer’s Queue Position. If a Transmission Developer disputes the withdrawal
and loss of its Queue Position, then during Dispute Resolution, the Transmission Developer’s
Transmission Interconnection Application is eliminated from the queue until such time that the
outcome of Dispute Resolution would restore its Queue Position. A Transmission Developer
that withdraws or is deemed to have withdrawn its Transmission Interconnection Application
shall pay to the ISO and Connecting Transmission Owner(s) all costs that the ISO and
Connecting Transmission Owner(s) prudently incur with respect to that Transmission
Interconnection Application prior to the receipt of notice described above. The Transmission
Developer must pay all monies due to the ISO and Connecting Transmission Owner(s) before it
is allowed to obtain any Transmission Interconnection Study data or results.
 The ISO shall (i) update the OASIS Queue Position posting and (ii) refund to the
Transmission Developer any portion of the Transmission Developer’s deposit or study payments
that exceeds the costs that the ISO has incurred, including interest calculated in accordance with
section 35.19a(a)(2) of FERC’s regulations. In the event of such withdrawal, the ISO and
Connecting Transmission Owner(s), subject to the confidentiality provisions of Section 22.13.1,
shall provide, at the Transmission Developer’s request, all information that the ISO and
Connecting Transmission Owner(s) developed for any completed study conducted up to the date

of withdrawal of the Transmission Interconnection Application.

22.5 Queue Position

22.5.1 General

The ISO shall assign a Queue Position based upon the date and time of receipt of the

valid Transmission Interconnection Application; provided that, if the sole reason a Transmission
Interconnection Application is not valid is the lack of required information on the application
form, and the Transmission Developer provides such information in accordance with Section

22.4.2.3, then the ISO shall assign the Transmission Developer a Queue Position based on the date the application form was originally filed. The Queue Position of each Transmission
Interconnection Application will be used to determine the order of performing the Transmission Interconnection Studies. A higher queued Transmission Interconnection Application is one that has been placed “earlier” in the queue in relation to another Transmission Interconnection
Application that is lower queued.

22.5.2 Clustering

At the ISO’s option, Transmission Interconnection Applications may be studied serially or in clusters for the purpose of the System Impact Study or Facilities Study.

22.5.3 Transferability of Queue Position

A Transmission Developer may transfer its Queue Position to another entity only if such entity acquires the specific Transmission Project identified in the Transmission Interconnection Application and the Point(s) of Interconnection do not change. As a result of such a transfer, the acquiring entity shall become the Transmission Developer of the specific Transmission Project identified in the Transmission Interconnection Application.

22.5.4 Modifications

The Transmission Developer shall submit to the ISO, in writing, modifications to any

information provided in the Transmission Interconnection Application. The Transmission

Developer shall retain its Queue Position if the modifications are permitted in accordance with
Section 22.5.4.1, or are determined not to be material modifications pursuant to Section 22.5.4.3.

22.5.4.1 Prior to the parties’ execution of the System Impact Study Agreement, the

Transmission Developer may make any modification to the information provided in the Transmission Interconnection Application.

22.5.4.2 Following the parties’ execution of the System Impact Study Agreement, a

Transmission Developer may not make any modification to the proposed

Transmission Project, except for changes to the project’s electrical characteristics that the ISO determines do not constitute a material modification.

22.5.4.3 The ISO shall evaluate a modification to the Transmission Project’s

electrical characteristics and will inform the Transmission Developer in writing of
whether the modifications constitute a material modification. The ISO shall
commence and perform any necessary additional studies as soon as practicable,
but in no event shall the ISO commence such studies later than thirty (30)
Calendar Days after receiving notice of Transmission Developer’s request. Any
additional studies resulting from such modification shall be done at Transmission
Developer’s cost.

22.5.4.4 If the ISO determines that a Transmission Developer’s modification to its

Transmission Project constitute a material modification, the Transmission

Developer must perform a new System Impact Study for its modified

Transmission Project, subject to the execution of a new System Impact Study Agreement and the provision of the required study deposit.

22.5.4.5 Modifications to a Transmission Project that are permitted under this

Section 22.5.4 for the purposes of the Transmission Interconnection Procedures
may not be permitted under the separate requirements of the Comprehensive
System Planning Process in accordance with Attachment Y of the ISO OATT.

22.6 Base Case for Transmission Interconnection Procedures and NYISO

Transmission Interconnection Standard

22.6.1 Base Case Data

The power flow, short circuit, and stability data bases, hereinafter referred to as Base

Cases, shall include the following that will be based upon either the ISO’s fifth year or tenth year
case included in the most recent FERC Form No. 715: (i) all existing generation and
transmission facilities identified in the ISO’s most recent NYISO Load and Capacity Data
Report, excluding those facilities that are subject to Class Year cost allocation but for which
Class Year cost allocations have not been accepted; (ii) all planned projects subject to
Attachment S of the ISO OATT that have accepted their cost allocation in a prior Class Year cost
allocation process and System Upgrade Facilities and System Deliverability Upgrades associated
with those projects except that System Deliverability Upgrades where construction has been
deferred pursuant to Section 25.7.12.2 and 25.7.12.3 of Attachment S of the ISO OATT will only
be included if construction of the System Deliverability Upgrades has been triggered under
Section 25.7.12.3 of Attachment S of the ISO OATT; (iii) all generation and transmission
retirements and derates identified in the NYISO Load and Capacity Data Report as scheduled to
occur during the study period for the Transmission Interconnection Study; (iv) Transmission
Projects that have met the following milestones: (1) have been triggered (if subject to the
reliability planning process), selected (if subject to the Public Policy Transmission Planning
Process), or approved by beneficiaries (if subject to the CARIS process); (2) have a completed
System Impact Study (if applicable); (3) have a determination pursuant to Article VII that the
Article VII application filed for the facility is in compliance with Public Service Law §122 (i.e.,
“deemed complete”) (if applicable); and (4) are making reasonable progress under the applicable
Attachment Y planning process (if applicable); (v) transmission projects identified as “firm” by

the Connecting Transmission Owner and either (1) have commenced a Facilities Study (if

applicable) and have an Article VII application deemed complete (if applicable); or (2) are under
construction and scheduled to be in-service within 12 months and (vi) all other changes to
existing facilities, other than changes that are subject to Class Year cost allocation but that have
not accepted their Class Year cost allocation, that are identified in the NYISO Load and Capacity
Data Report or reported by Market Participants to the NYISO as scheduled to occur during the
study period for the Transmission Interconnection Study. If the ISO has triggered multiple
Transmission Projects under its reliability planning process, the ISO will include in the base case
the selected Transmission Project until or unless that project is halted or its Development
Agreement is terminated, in which case the ISO will include in the base case the regulated
backstop solution. If the proposed Transmission Project is related to or in response to a system
condition not reflected in the above requirements, the ISO may, as appropriate, amend the Base
Cases to take that system condition into account in evaluating the proposed Transmission
Project.

22.6.2 Release of Base Case Data

The ISO or Connecting Transmission Owner, depending upon which of those Parties

possesses the data requested, shall provide base power flow, short circuit and stability databases,
including all underlying assumptions and contingency lists, to the Transmission Developer upon
request. All Parties shall treat Confidential Information in accordance with Section 22.13.1 of
these Transmission Interconnection Procedures. The ISO and Connecting Transmission Owner
are permitted to require that the Transmission Developer sign a non-disclosure agreement before
the release of Confidential Information or Critical Energy Infrastructure Information in the Base
Case data.

22.6.3 The Transmission Interconnection Studies

All Transmission Projects must interconnect in compliance with the NYISO

Transmission Interconnection Standard. The ISO evaluates a Transmission Interconnection

Application for compliance with the NYISO Transmission Interconnection Standard throughout
the Transmission Interconnection Study process. The Transmission Interconnection Studies
conducted under the Transmission Interconnection Procedures consist of short circuit/fault duty,
steady state (thermal and voltage) and stability analyses designed to identify the Network
Upgrade Facilities required for the reliable interconnection of Transmission Projects to the New
York State Transmission System in compliance with the NYISO Transmission Interconnection
Standard.

22.6.4 NYISO Transmission Interconnection Standard

The NYISO Transmission Interconnection Standard is designed to ensure that a proposed Transmission Project, as it proposes to interconnect to the New York State Transmission System, is consistent with Applicable Reliability Standards and will not degrade interface transfer
capability by more than 25 MW.

22.7 Optional Feasibility Study

22.7.1 Optional Feasibility Study Agreement

As soon as practicable after receiving the Transmission Developer’s election in the

Scoping Meeting in accordance with Section 22.4.2.4 to pursue an Optional Feasibility Study for
its Transmission Project, the ISO shall tender to the Transmission Developer and the Connecting
Transmission Owner an Optional Feasibility Study Agreement. At the Scoping Meeting, the
Transmission Developer shall specify for inclusion in the attachment to the Optional Feasibility
Study Agreement the Point(s) of Interconnection and any reasonable alternative configurations,
not to exceed two alternative configurations. The Transmission Developer must provide a
$60,000 study deposit to the ISO for the Optional Feasibility Study. The tendered Optional
Feasibility Study Agreement will include a good faith estimate of the cost for completing the
Optional Feasibility Study. The Optional Feasibility Study Agreement shall specify that the
Transmission Developer is responsible for the actual costs incurred by the ISO and the
Connecting Transmission Owner for the Optional Feasibility Study. The Optional Feasibility
Study Agreement shall provide that if actual study costs exceed the study deposit, the
Transmission Developer shall pay the ISO the amount in excess of the study deposit, and if the
actual study costs are less than the study deposit, the ISO shall refund the remaining deposit
amount to the Transmission Developer. The Optional Feasibility Study Agreement shall also set
forth the study schedule based on the study scope. The Transmission Developer, the ISO and the
Connecting Transmission Owner shall execute and deliver to the ISO the Optional Feasibility
Study Agreement no later than thirty (30) Calendar Days after the ISO tenders the Optional
Feasibility Study Agreement. The Transmission Developer shall, on or before the return of the
executed Optional Feasibility Study Agreement to the ISO, provide the required $60,000 deposit.
 On or before the return of the executed Optional Feasibility Study Agreement to the ISO,

the Transmission Developer shall provide the technical data required by the agreement. If the
Transmission Developer does not provide all required technical data when it delivers the
Optional Feasibility Study Agreement, the ISO shall notify the Transmission Developer of the
deficiency within five (5) Business Days of the receipt of the executed Optional Feasibility Study
Agreement and the Transmission Developer shall cure the deficiency within ten (10) Business
Days of receipt of the notice, provided, however, such deficiency does not include failure to
deliver the executed Optional Feasibility Study Agreement or deposit. If the Transmission
Developer fails to provide the required technical data within this timeframe, the Transmission
Interconnection Application shall be withdrawn in accordance with Section 22.4.5. The
Transmission Developer, the ISO and the Connecting Transmission Owner shall execute the
Optional Feasibility Study Agreement within thirty (30) Calendar Days after the ISO tenders the
Optional Feasibility Study Agreement.

22.7.2 Optional Feasibility Study Scope and Procedures

The Optional Feasibility Study shall preliminarily evaluate the feasibility of the proposed
interconnection to the New York State Transmission System. The Optional Feasibility Study
shall be conducted in accordance with Applicable Reliability Standards and will evaluate the
Transmission Project using the Base Case described in Section 22.6.1. The Optional Feasibility
Study may consist of any of the following technical analyses as described in the Optional
Feasibility Study scope:

a. Conceptual breaker-level one-line diagram of existing system where project

proposes to interconnect;

b. Review of feasibility/constructability of conceptual breaker-level one-line
diagram of the proposed interconnection (e.g., space for additional breaker bay in existing

substation; identification of cable routing concerns inside existing substation; environmental concerns inside the substation);

c. Preliminary review of local protection, communication, grounding issues

associated with the proposed interconnection;

d. Power flow, short circuit and/or bus flow analyses; and/or

e. Identification of Network Upgrade Facilities.

The schedule for completing the Optional Feasibility Study will be documented in the Optional Feasibility Study Agreement. The ISO shall utilize existing studies to the extent
practicable when it performs the study. Upon request, the ISO shall provide the Transmission Developer supporting documentation, workpapers and relevant power flow, short circuit and stability databases for the Optional Feasibility Study, subject to confidentiality arrangements consistent with Section 22.13.1.

22.7.3 Optional Feasibility Study Report Meeting

As soon as practicable after completing the initial draft of the Optional Feasibility Study
report, the ISO will provide the Optional Feasibility Study report to the Transmission Developer,
the Connecting Transmission Owner, and any Affected Systems for review and comment. Upon
completion of this review process, the ISO and the Connecting Transmission Owner shall meet
with Transmission Developer and any Affected Systems to discuss the results of the Optional
Feasibility Study.

22.8 System Impact Study

22.8.1 System Impact Study Agreement

As soon as practicable after receiving the Transmission Developer’s election in the

Scoping Meeting in accordance with Section 22.4.2.4 to proceed to a System Impact Study

(“SIS”) or simultaneously with the delivery of an Optional Feasibility Study to the Transmission Developer, the ISO shall tender the Transmission Developer and Connecting Transmission
Owner a System Impact Study Agreement. Upon tendering the System Impact Study
Agreement, the ISO shall provide to the Transmission Developer a non-binding good faith
estimate of the cost and timeframe for completing the SIS.

The Transmission Developer must provide a $120,000 study deposit to the ISO for the
SIS if the ISO is responsible for performing the entire study; provided, however, that if the
Transmission Developer is hiring a third-party consultant to perform the analytical portion of the
study, pursuant to the requirements set forth in Section 22.13.4 of this Attachment P, the required
deposit is $40,000. The System Impact Study Agreement shall specify that the Transmission
Developer is responsible for the actual costs incurred by the ISO and the Connecting
Transmission Owner for the SIS. The System Impact Study Agreement shall provide that if
actual study costs exceed the study deposit, the Transmission Developer shall pay the ISO the
amount in excess of the study deposit, and if the actual study costs are less than the study
deposit, the ISO shall refund the remaining deposit amount to the Transmission Developer. The
System Impact Study Agreement shall also set forth the study schedule based on the study scope.

22.8.2 Execution of System Impact Study Agreement

The Transmission Developer shall execute and deliver to the ISO the System Impact

Study Agreement and the applicable study deposit set forth in Section 22.8.1 no later than thirty

(30) Calendar Days after its receipt. On or before the return of the executed System Impact
Study Agreement to the ISO, the Transmission Developer shall provide the technical data
required by the agreement. If the Transmission Developer does not provide all required
technical data when it delivers the System Impact Study Agreement, the ISO shall notify the
Transmission Developer of the deficiency within five (5) Business Days of the receipt of the
executed System Impact Study Agreement and the Transmission Developer shall cure the
deficiency within ten (10) Business Days of receipt of the notice, provided, however, such
deficiency does not include failure to deliver the executed System Impact Study Agreement or
deposit. If the Transmission Developer fails to provide the required technical data within this
timeframe, the Transmission Interconnection Application shall be withdrawn in accordance with
Section 22.4.5. The Transmission Developer, the ISO and the Connecting Transmission Owner
shall execute the System Impact Study Agreement within thirty (30) Calendar Days after the ISO
tenders the System Impact Study Agreement. The Transmission Developer shall, on or before
the return of the executed System Impact Study Agreement to the ISO, provide the required
study deposit.

22.8.3 Scope of System Impact Study

The SIS shall evaluate the impact of the proposed interconnection on the reliability of the
New York State Transmission System. The SIS shall be conducted in accordance with
Applicable Reliability Standards. The ISO Operating Committee shall approve the specific
study scope proposed for each SIS. If an Optional Feasibility Study is not performed for the
project, the SIS will also evaluate the feasibility of the proposed interconnection.
 Evaluation under the NYISO Transmission Interconnection Standard involves a
transmission security analysis using thermal, voltage, stability and short circuit analyses, as well

as a transfer limit analysis to ensure that a Transmission Project does not degrade interface

transfer capability. A Transmission Project will trigger a Network Upgrade Facility if upgrades are necessary to mitigate impacts to the controlling limit (i.e., voltage, stability, thermal) as well as any impact to the thermal limit. A Transmission Project will also trigger a Network Upgrade Facility if it degrades by more than 25 MW the pre-project transfer limits of any NYISO
transmission planning interface recognized in the ISO’s transmission planning studies pursuant to ISO procedures. A Transmission Project that triggers an upgrade would have to fully restore the impacted transfer limits to the pre-project limits.

22.8.4 System Impact Study Procedures

The ISO shall coordinate the SIS with any Affected System that is affected by the Transmission Interconnection Application pursuant to Section 22.4.4 above. The ISO shall utilize existing studies to the extent practicable when it performs the study.

The SIS will state the assumptions upon which it is based; state the results of the

analyses; and provide the requirements or potential impediments to the proposed interconnection, including a preliminary indication of the cost and length of time that would be necessary to
correct any problems identified in those analyses and implement the interconnection. The SIS
will provide a list of Network Upgrade Facilities that are required as a result of the Transmission Project and a nonbinding good faith estimate of cost responsibility and a non-binding good faith estimated time to construct.

The ISO may evaluate Transmission Projects moving forward in the same time frame that both contribute to Network Upgrade Facilities to determine their pro rata cost responsibility for such Network Upgrade Facilities.

Upon request, the ISO shall provide the Transmission Developer all supporting

documentation, workpapers and relevant pre-Transmission Interconnection Application and postTransmission Interconnection Application power flow, short circuit and stability databases for the SIS, subject to confidentiality arrangements consistent with Section 22.13.1.

22.8.5 Study Report Meeting

As soon as practicable after completing the initial draft of the System Impact Study

report, the ISO will provide the System Impact Study report to the Transmission Developer, the
Connecting Transmission Owner, and any Affected Systems for review and comment. Upon
completion of this review process, the ISO and the Connecting Transmission Owner shall meet
with Transmission Developer and any Affected Systems to discuss the results of the SIS.

The ISO Operating Committee shall approve each final SIS.

22.9 Facilities Study

22.9.1 Facilities Study Agreement

A Transmission Developer may request that the ISO tender a Facilities Study Agreement
for its Transmission Project at any time following the ISO Operating Committee’s approval of
the SIS for the Transmission Project pursuant to Section 22.8.5. As soon as practicable after the
ISO’s receipt of the Transmission Developer’s request, the ISO shall tender the Transmission
Developer and Connecting Transmission Owner a Facilities Study Agreement. When the ISO
tenders the Facilities Study Agreement, it shall provide to the Transmission Developer a non-
binding good faith estimate of the cost and timeframe for completing the Facilities Study.

The Transmission Developer must provide a $100,000 study deposit to the ISO for the
Facilities Study. The Facilities Study Agreement shall specify that the Transmission Developer
is responsible for the actual costs incurred by the ISO and the Connecting Transmission Owner
for the Facilities Study Agreement. NYISO shall invoice the Transmission Developer on a
monthly basis for the work to be conducted on the Facilities Study. The Transmission
Developer shall pay invoiced amounts within thirty (30) Calendar Days of receipt of invoice.
The ISO shall continue to hold the amounts on deposit until settlement of the final invoice. The
Facilities Study Agreement shall provide that if actual study costs exceed the study deposit, the
Transmission Developer shall pay the ISO the amount in excess of the study deposit, and if the
actual study costs are less than the study deposit, the ISO shall refund the remaining deposit
amount to the Transmission Developer. The Facilities Study Agreement shall also set forth the
study schedule based on the study scope.

22.9.2 Execution of Facilities Study Agreement

The Transmission Developer, the ISO and the Connecting Transmission Owner shall

execute and deliver to the ISO the Facilities Study Agreement no later than thirty (30) Calendar
Days after the ISO tenders the Facilities Study Agreement. The Transmission Developer shall,
on or before the return of the executed Facilities Study Agreement to the ISO, provide the
deposit and technical data required by the agreement. If the Transmission Developer does not
provide all required technical data when it delivers the Facilities Study Agreement, the ISO shall
notify the Transmission Developer of the deficiency within five (5) Business Days of the receipt
of the executed Facilities Study Agreement, and the Transmission Developer shall cure the
deficiency within ten (10) Business Days of receipt of the notice, provided, however, such
deficiency does not include failure to deliver the executed Facilities Study Agreement or deposit.
If the Transmission Developer fails to provide the required technical data within this timeframe,
the Transmission Interconnection Application shall be withdrawn in accordance with Section

22.4.5. The Transmission Developer, the ISO and the Connecting Transmission Owner shall

execute and deliver to the ISO the Facilities Study Agreement no later than thirty (30) Calendar Days after the ISO tenders the Facilities Study Agreement. The Transmission Developer shall, on or before the return of the executed Facilities Study Agreement to the ISO, provide the
required $100,000 deposit.

22.9.3 Scope of Facilities Study

The Facilities Study shall update and refine the description of Network Upgrade Facilities
identified in the System Impact Study, including the equipment, work and related cost and time
estimates necessary to construct the required Network Upgrade Facilities. Transmission
Developer will be responsible for posting Security in the amount of the cost estimates for the
Network Upgrade Facilities documented in the final Facilities Study report pursuant to Section

22.11.1 of this Attachment P. The Facilities Study shall also contain a non-binding estimate as to

the feasible TCCs resulting from the construction of the new facilities, as applicable.

22.9.4 Facilities Study Procedures

The ISO shall coordinate the Facilities Study with the Connecting Transmission Owner
and Affected System Operators, and with any other Affected System pursuant to Section 22.4.4.
The ISO shall utilize existing studies to the extent practicable in performing the Facilities Study.

22.9.5 Study Report Meeting

As soon as practicable after completing the initial draft of the Facilities Study report, the
ISO will provide the Facilities Study report to the Transmission Developer, the Connecting
Transmission Owner, and any Affected Systems for review and comment. Upon completion of
this review process, the ISO and the Connecting Transmission Owner shall meet with
Transmission Developer and any Affected Systems to discuss the results of the Facilities Study.

22.10 Engineering & Procurement (“E&P”) Agreement

Prior to executing a Transmission Project Interconnection Agreement, a Transmission
Developer may, in order to advance the implementation of its interconnection, request and
Connecting Transmission Owner shall offer the Transmission Developer, an E&P Agreement
that authorizes the Connecting Transmission Owner to begin engineering and procurement of
long lead-time items necessary for the establishment of the interconnection. However, the
Connecting Transmission Owner shall not be obligated to offer an E&P Agreement if the

Transmission Developer is in Dispute Resolution as a result of an allegation that the

Transmission Developer has failed to meet any milestones or comply with any prerequisites

specified in other parts of these Transmission Interconnection Procedures. The E&P Agreement
is an optional procedure and it will not alter the Transmission Developer’s Queue Position or In-
Service Date. The E&P Agreement shall provide for the Transmission Developer to pay the cost
of all activities authorized by the Transmission Developer and to make advance payments or
provide other satisfactory security for such costs. The Transmission Developer shall pay the cost
of such authorized activities and any cancellation costs for equipment that is already ordered for
its interconnection, which cannot be mitigated as hereafter described, whether or not such items
or equipment later become unnecessary. If the Transmission Developer withdraws its
Transmission Interconnection Application or either Party terminates the E&P Agreement, to the
extent the equipment ordered can be canceled under reasonable terms, the Transmission
Developer shall be obligated to pay the associated cancellation costs. To the extent that the
equipment cannot be reasonably canceled, Connecting Transmission Owner may elect: (i) to take
title to the equipment, in which event Connecting Transmission Owner shall refund the
Transmission Developer any amounts paid by the Transmission Developer for such equipment
and shall pay the cost of delivery of such equipment, or (ii) to transfer title to and deliver such

equipment to the Transmission Developer, in which event the Transmission Developer shall pay any unpaid balance and cost of delivery of such equipment.

22.11 Transmission Project Interconnection Agreement

22.11.1 Tender

After completion of the Facilities Study, the Transmission Developer may request the
ISO tender a draft Transmission Project Interconnection Agreement together with draft
appendices completed to the extent practicable; provided, however, that if a Transmission
Developer’s proposed Transmission Project is only interconnecting to its own, existing facilities,
a Transmission Project Interconnection Agreement is not required. The draft Transmission
Project Interconnection Agreement shall be consistent with the NYISO’s Commission-approved
Standard Large Generator Interconnection Agreement located in Appendix 6 to Attachment X of
the OATT, modified to address a Transmission Project. The Transmission Project
Interconnection Agreement shall provide the mechanism through which a Transmission
Developer shall post Security for required Network Upgrade Facilities. A Transmission
Developer will be required to post Security with the applicable Connecting Transmission Owner
for Network Upgrade Facilities identified in the Facilities Study; however, if the Transmission
Developer and Connecting Transmission Owner are the same entity, the Transmission Developer
need not post Security for Network Upgrade Facilities required on its own facilities.

22.11.2 Negotiation

Notwithstanding Section 22.11.1, at the request of the Transmission Developer, the ISO
and Connecting Transmission Owner shall begin negotiations with the Transmission Developer
concerning the Transmission Project Interconnection Agreement and its appendices at any time
after the Transmission Developer completes the Facilities Study Agreement. The ISO,
Connecting Transmission Owner and Transmission Developer shall finalize the appendices and
negotiate concerning any disputed provisions of the draft Transmission Project Interconnection

Agreement and its appendices subject to the six (6) month time limitation specified below in this
Section 22.11.2. If the Transmission Developer determines that negotiations are at an impasse, it
may request termination of the negotiations at any time after tender of the draft Transmission
Project Interconnection Agreement pursuant to Section 22.11.1 and request submission of the
unexecuted Transmission Project Interconnection Agreement to FERC or initiate Dispute
Resolution procedures pursuant to Section 22.13.5. If the Transmission Developer requests
termination of the negotiations, but within sixty (60) Calendar Days thereafter fails to request
either the filing of the unexecuted Transmission Project Interconnection Agreement or initiate
Dispute Resolution, it shall be deemed to have withdrawn its Transmission Interconnection
Application. Unless otherwise agreed by the Parties, if the Transmission Developer has not
executed the Transmission Project Interconnection Agreement, requested filing of an unexecuted
Transmission Project Interconnection Agreement, or initiated Dispute Resolution procedures
pursuant to Section 22.13.5 within six (6) months of tender of draft Transmission Project
Interconnection Agreement, it shall be deemed to have withdrawn its Transmission
Interconnection Application.

22.11.3 Execution and Filing

The Transmission Developer shall either: (i) execute three (3) originals of the tendered
Transmission Project Interconnection Agreement and return them to the ISO and Connecting
Transmission Owner and request in writing that the ISO and Connecting Transmission Owner
file with FERC for its acceptance the agreed-upon Transmission Project Interconnection
Agreement; or (ii) request in writing that the ISO and Connecting Transmission Owner file with
FERC a Transmission Project Interconnection Agreement in unexecuted form. As soon as
practicable, but not later than ten (10) Business Days after receiving either submission by the

Transmission Developer, the ISO and Connecting Transmission Owner shall file the

Transmission Project Interconnection Agreement with FERC. If the Transmission Developer has
requested that the ISO file the Transmission Project Interconnection Agreement in unexecuted
form, the ISO will draft the portions of the Transmission Project Interconnection Agreement and
appendices that are in dispute. The ISO will provide its explanation of any matters as to which
the Parties disagree and support for the costs that the Connecting Transmission Owner proposes
to charge to the Transmission Developer under the Transmission Project Interconnection

Agreement. An unexecuted Transmission Project Interconnection Agreement should contain
terms and conditions deemed appropriate by the ISO for the Transmission Interconnection
Application. The Connecting Transmission Owner will provide in a separate filing any
comments it has on the unexecuted agreement, including any alternative positions, it may have
with respect to the disputed provisions. If the Parties agree to proceed with design, procurement,
and construction of Network Upgrade Facilities under the agreed-upon terms of the unexecuted
Transmission Project Interconnection Agreement, they may proceed pending Commission
action.

22.11.4 Commencement of Interconnection Activities

Upon submission of an executed or unexecuted Transmission Project Interconnection Agreement in accordance with Section 22.11.3, the ISO, Connecting Transmission Owner and the Transmission Developer shall perform their respective obligations that are not in dispute in accordance with the terms of the Transmission Project Interconnection Agreement, subject to modification by FERC.

22.11.5 Termination of the Transmission Project Interconnection Agreement

The termination of a Transmission Project Interconnection Agreement will be effective

only upon acceptance by FERC of the notice of termination and proposed effective date. Upon
the effective date of the termination of the Transmission Project Interconnection Agreement,
access to the Point of Interconnection of the Transmission Project will be available on a non-
discriminatory basis pursuant to the ISO’s applicable interconnection processes and procedures.

22.12 Construction of Connecting Transmission Owner’s Network Upgrade Facilities

22.12.1 Schedule

The Connecting Transmission Owner, Affected System Operators and the Transmission
Developer shall negotiate in good faith concerning a schedule for the construction of the
Network Upgrade Facilities. In general, the In-Service Dates set forth in applicable
interconnection agreements will determine the sequence of construction of required upgrade
facilities.

22.12.2.2 Advance Construction of Network Upgrade Facilities, System Upgrade
 Facilities and System Deliverability Upgrades that are an Obligation of
 an Entity other than the Transmission Developer

A Transmission Developer with a Transmission Project Interconnection Agreement, in
order to maintain its In-Service Date, may request that the Connecting Transmission Owner
advance to the extent necessary the completion of Network Upgrade Facilities, System Upgrade Facilities, and System Deliverability Upgrades that: (i) were assumed in the Transmission
Interconnection Studies for such Transmission Developer, (ii) are necessary to support such InService Date, and (iii) would otherwise not be completed, pursuant to a contractual obligation of an entity other than the Transmission Developer that is seeking interconnection to the New York State Transmission System, in time to support such In-Service Date. Upon such request,
Connecting Transmission Owner will use Reasonable Efforts to advance the construction of such Network Upgrade Facilities, System Upgrade Facilities and System Deliverability Upgrades to accommodate such request; provided that the Transmission Developer commits in writing to pay Connecting Transmission Owner any associated expediting costs.

22.12.2.3 Advancing Construction of Network Upgrade Facilities, System Upgrade

Facilities or System Deliverability Upgrades that are Part of an
Expansion Plan of the ISO or Connecting Transmission Owner

A Transmission Developer with a Transmission Project Interconnection Agreement, in order to maintain its In-Service Date, may request that the Connecting Transmission Owner
advance to the extent necessary the completion of Network Upgrade Facilities, System Upgrade Facilities and System Deliverability Upgrades that: (i) are necessary to support such In-Service Date and (ii) would otherwise not be completed, pursuant to an expansion plan of the ISO or
Connecting Transmission Owner, in time to support such In-Service Date. Upon such request, Connecting Transmission Owner will use Reasonable Efforts to advance the construction of such Network Upgrade Facilities, System Upgrade Facilities and System Deliverability Upgrades to accommodate such request; provided that the Transmission Developer commits in writing to pay Connecting Transmission Owner any associated expediting costs.

22.13 Miscellaneous

22.13.1 Confidentiality

Information exchanged by Parties in accordance with these Transmission Interconnection
Procedures are subject to the Confidentiality provisions set forth in Section 30.13.1 of
Attachment X of this ISO OATT, which requirements are incorporated into this Attachment P by
reference. The terms “Standard Large Generator Interconnection Agreement,” “Developer,” and
“Large Facility Interconnection Procedures” as used in Section 30.13.1 of Attachment X shall
include “Transmission Project Interconnection Agreement,” “Transmission Developer,” and
“Transmission Interconnection Procedures,” respectively, as those terms are defined in this
Attachment P.

22.13.2 Delegation of Responsibility

The ISO may use the services of subcontractors as it deems appropriate to perform its
obligations under these Transmission Interconnection Procedures. The ISO shall remain
primarily liable to the Transmission Developer for the performance of such subcontractors and
compliance with its obligations under these Transmission Interconnection Procedures. The
subcontractor shall keep all information provided confidential and shall use such information
solely for the performance of such obligation for which it was provided and no other purpose.

22.13.3 Obligation for Study Costs and Study Deposits

The ISO shall charge and the Transmission Developer shall pay the actual costs of the

Transmission Interconnection Studies incurred by the ISO and Connecting Transmission Owner.
If a number of Transmission Interconnection Studies are conducted concurrently as a combined
study, each Transmission Developer shall pay an equal share of the actual cost of the combined
study. Any invoices for Transmission Interconnection Studies shall include a detailed and

itemized accounting of the cost of each Transmission Interconnection Study. Transmission

Developers shall pay any such undisputed costs within thirty (30) Calendar Days of receipt of an invoice therefore. Neither the ISO nor Connecting Transmission Owner shall be obligated to perform or continue to perform any studies unless the Transmission Developer has paid all
undisputed amounts in compliance herewith.

22.13.4 Third Parties Conducting Studies

If at the time of the signing of a Transmission Interconnection Study agreement there is
disagreement as to the estimated time to complete a Transmission Interconnection Study, then
the Transmission Developer may request the ISO to utilize a consultant or other third party
reasonably acceptable to the Transmission Developer and the ISO to perform such Transmission
Interconnection Study under the direction of the ISO. At other times, the ISO may also utilize a
Connecting Transmission Owner or other third party to perform such Transmission
Interconnection Study, either in response to a general request of the Transmission Developer, or
on its own volition. In all cases, use of a third party shall be in accord with Article 26
(Subcontractors) of the Standard Large Generator Interconnection Agreement located in
Attachment X of the ISO OATT and limited to situations where the ISO determines that doing so
will help maintain or accelerate the study process for the Transmission Developer’s pending
Transmission Interconnection Application and not interfere with the ISO’s progress on
Transmission Interconnection Studies or Interconnection Studies for other pending Transmission
Interconnection Applications or Interconnection Requests. In cases where the Transmission
Developer requests to use a third party to perform such Transmission Interconnection Study, the
Transmission Developer, ISO and Connecting Transmission Owner shall negotiate all of the
pertinent terms and conditions, including reimbursement arrangements and the estimated study

completion date and study review deadline. The ISO shall convey all workpapers, data bases,
study results and all other supporting documentation prepared to date with respect to the
Transmission Interconnection Application as soon as practicable upon the Transmission
Developer’s request subject to the confidentiality provision in Section 22.13.1. In any case, such
third party contract may be entered into with either the Transmission Developer or the ISO at the
ISO’s discretion. If a Transmission Developer enters into a third party study contract, the
Transmission Developer shall provide the study to ISO and the Connecting Transmission Owner
for review, and such third party study contract shall provide for reimbursement by the
Transmission Developer of ISO’s and Connecting Transmission Owner’s actual cost of
participating in and reviewing the study. In the case of (iii) above in this Section 22.13.4, the
Transmission Developer maintains its right to submit a claim to Dispute Resolution to recover
the costs of such third party study. Such third party shall be required to comply with these
Transmission Interconnection Procedures, Article 26 (Subcontractors) of the Standard Large
Generator Interconnection Agreement located in Attachment X of the ISO OATT, and the
relevant ISO OATT procedures and protocols as would apply if the ISO were to conduct the
Transmission Interconnection Study and shall use the information provided to it solely for
purposes of performing such services and for no other purposes. The ISO and Connecting
Transmission Owner shall cooperate with such third party and Transmission Developer to
complete and issue the Transmission Interconnection Study in the shortest reasonable time.

22.13.5 Disputes

In the event any Party has a dispute, or asserts a claim, that arises out of or in connection with a Transmission Project Interconnection Agreement, these Transmission Interconnection Procedures, or their performance (a “Dispute”), such Party shall address the Dispute in

accordance with the Dispute provisions in Section 30.13.5 of Attachment X of this ISO OATT,
which requirements are incorporated into this Attachment P by reference. The terms “Standard
Large Generator Interconnection Agreement” (or “LGIA”), “Standard Large Facility
Interconnection Procedures” (or “LFIP”), and “Attachment Facilities, Distribution Upgrades or
System Upgrades” as used in Section 30.13.5 shall include “Transmission Project
Interconnection Agreement,” “Transmission Interconnection Procedures,” and “Network
Upgrade Facilities” respectively, as those terms are defined in this Attachment P.

22.13.6 Local Furnishing Bonds and Other Tax-Exempt Financing

22.13.6.1 Connecting Transmission Owners and Affected System Operator(s) that
 Own Facilities Financed by Local Furnishing Bonds or Other Tax-
 Exempt Bonds

This provision is applicable only to a Connecting Transmission Owner or Affected

System Operator(s) that has financed facilities with tax-exempt bonds including, but not limited
to, Local Furnishing Bonds (“Tax-Exempt Bonds”). Notwithstanding any other provision of the
Transmission Interconnection Procedures and a Transmission Project Interconnection
Agreement, neither the Connecting Transmission Owner nor Affected System Operator shall be
required to construct Network Upgrade Facilities, pursuant to the Transmission Interconnection
Procedures and a Transmission Project Interconnection Agreement, if such construction would
jeopardize the tax-exempt status of any Tax-Exempt Bonds or impair the ability of Connecting
Transmission Owner or Affected System Operator(s) to issue future tax-exempt obligations. For
purposes of this provision, Tax-Exempt Bonds shall include the obligations of the Long Island
Power Authority, NYPA and Consolidated Edison Company of New York, Inc., the interest on
which is not included in gross income under the Internal Revenue Code.