

40.3 Transition Procedures

40.3.1 Transition Procedures for Interconnection Requests and CRIS-Only Requests Submitted Prior to the Effective Date of Standard Interconnection Procedures

Upon the effective date of the Standard Interconnection Procedures, the ISO shall withdraw from the Queue all existing Interconnection Requests for Large Generating Facilities, Class Year Transmission Projects, Small Generating Facilities, or Class Year Projects and cease its evaluation of all existing CRIS-Only Requests for Class Year Projects that were submitted prior to the effective date of the Standard Interconnection Procedures pursuant to, as applicable, the Standard Large Facility Interconnection Procedures in Attachments S and X of the ISO OATT or the Standard Small Generator Interconnection Procedures in Attachment Z of the ISO OATT, except as provided for in the transition requirements set forth in Sections 40.3.1.1 – 40.3.1.10.

40.3.1.1 The ISO shall retain the Queue Position of a Large Facility or a Small Generating Facility that, as of the effective date of the Standard Interconnection Procedures, (i) has an executed interconnection agreement or an unexecuted interconnection agreement accepted by the Commission, but (ii) has not yet entered Commercial Operation.

40.3.1.2 The ISO shall retain the Queue Position of a Class Year Project or Small Generating Facility that, as of the effective date of the Standard Interconnection Procedures: (A) has either participated in the Class Year Interconnection Facilities Study for Class Year 2021 or a prior Class Year Interconnection Facilities Study or completed a Small Generator facilities study, (B) has either accepted at the conclusion of the Class Year Interconnection Facilities Study its Project Cost Allocation and paid cash or posted Security for its allocated amount or satisfied the requirements of Section 32.3.5.7.1 of Attachment Z to the OATT at the conclusion of its Small Generator facilities study applicable to the cost allocation for its

identified Interconnection Facilities and Upgrades, and (C) is negotiating an interconnection agreement for the Class Year Project or Small Generating Facility or has requested that such interconnection agreement be filed unexecuted with the Commission. For a Class Year Project for Class Year 2021 or prior Class Years or a Small Generating Facility for which the ISO is negotiating with the Interconnection Customer, Connecting Transmission Owner, Affected System Operator, and/or Affected Transmission Owner, as applicable, an interconnection agreement and/or Engineering, Procurement, or Construction Agreement(s) as of the effective date of the Standard Interconnection Procedures, the parties shall continue to negotiate, as applicable, the Standard Large Generator Interconnection Agreement, Small Generator Interconnection Agreement, and/or Engineering, Procurement, or Construction Agreement pursuant to the terms and forms set forth, as applicable, in Attachment X or Attachment Z to the ISO OATT.

40.3.1.3 Class Year Projects in the Class Year Study for Class Year 2023

40.3.1.3.1 The ISO shall retain the Queue Position of a Class Year Project participating in the Class Year Study for Class Year 2023. The ISO shall complete the Class Year Interconnection Facilities Study for Class Year 2023, including invoicing study costs and reconciling final payments and any deposit refunds, pursuant to the requirements for a Class Year Study set forth in Attachments X and S to the ISO OATT.

40.3.1.3.2 The ISO will perform any Additional SDU Study for Class Year 2023 in accordance with the existing requirements for such study in Attachment S to the ISO OATT. If the decision period for the Additional SDU Study is not completed ten (10) Business Days prior to the scheduled Phase 1 Study Start Date for the Transition Cluster Study Process, the ISO shall terminate the Additional SDU Study. If the Additional SDU

Study is terminated and an Interconnection Customer wishes to obtain an SDU Project Cost Allocation for its requested CRIS, the Interconnection Customer may elect to enter a subsequent Cluster Study Process by satisfying the applicable entry requirements for an Interconnection Request or CRIS-Only Request in the Application Window for the Cluster Study Process as set forth in Section 40.5.4 of this Attachment HH.

40.3.1.3.3 Notwithstanding the requirements in Section 30.11.1 of Attachment X and Section 25.6.2.3.2 of Attachment S to the ISO OATT, a Class Year Project that satisfied the regulatory milestone requirement to enter Class Year 2023 or a prior Class Year by submitting a qualifying contract or deposit shall not be subject to withdrawal from the Queue if it has not satisfied the applicable regulatory milestone within six (6) months after the date the ISO tenders its draft interconnection agreement. If the Class Year Project submitted a deposit to satisfy the regulatory milestone requirement, it will remain subject to the requirements and timeframes in Section 25.6.2.3.1 of Attachment S to the ISO OATT concerning the refund of this deposit.

40.3.1.3.4 If: (i) the Class Year Project withdraws, or is deemed withdrawn, prior to the completion of Class Year 2023, or (ii) a Class Year Project does not accept its Project Cost Allocation or does not pay cash or post Security for its allocated amount as determined in Class Year 2023, the Interconnection Request shall be withdrawn from the Queue. If a Class Year Project accepts its Project Cost Allocation and pays cash or posts Security for its allocated amount in Class Year 2023, the ISO shall tender to the Interconnection Customer as soon as practicable following the completion of the Class Year Study a Standard Interconnection Agreement and any required Standard Upgrade Construction Agreement or Multiparty Standard Upgrade Construction Agreement in

accordance with the requirements in Section 40.21 to this Attachment HH. If the Interconnection Customer requests tender of an interconnection agreement prior to the completion of the Class Year Study pursuant to the requirements in Section 30.11.3 of Attachment X to the OATT, the ISO will tender the Standard Interconnection Agreement to the Interconnection Customer.

40.3.1.4 The ISO shall retain the Queue Position of a Small Generating Facility and complete or commence a Small Generator facilities study pursuant to the requirements in Section 40.3.1.4.1 if: prior to the effective date of the Standard Interconnection Procedures either:

- (i) the facilities study has already commenced pursuant to the requirements in 32.3.5 of Attachment Z to the ISO OATT, or
- (ii) the facilities study has not yet commenced, but the following requirements have been satisfied: (A) a system impact study for the Small Generating Facility has been completed that did not identify any non-Local System Upgrade Facilities, (B) the Interconnection Customer executed a Small Generator facilities study agreement tendered by the ISO, (C) Connecting Transmission Owner has confirmed receipt of the complete data provided by the Interconnection Customer that is required for the performance of the applicable study, and (D) the ISO has provided to the Connecting Transmission Owner the final short-circuit base case required for the facilities study.

40.3.1.4.1 If the requirements in either Section 40.3.1.4(i) or (ii) are met, the ISO, in coordination with the Connecting Transmission Owner, shall proceed to commence or complete the facilities study in accordance with the requirements in Attachment Z to the ISO OATT subject to the following conditions unless the

Interconnection Customer informs the ISO to terminate or not commence the facilities study:

(i) If the facilities study is not completed prior to the end of the Application Window for the Transition Cluster Study Process, then the ISO shall terminate the facilities study and shall withdraw the Interconnection Request for the Small Generating Facility from the Queue.

(ii) If the facilities study identifies any non-Local System Upgrade Facilities, then the ISO shall terminate the facilities study and shall withdraw the Interconnection Request for the Small Generating Facility from the Queue.

(iii) If the facilities study is completed, and the Interconnection Customer satisfies the requirements in Attachment Z to be tendered an interconnection agreement, the ISO, Connecting Transmission Owner, and Interconnection Customer will negotiate a Standard Small Generator Interconnection Agreement in accordance with the requirements in Attachment Z to the ISO OATT. If the Small Generating Facility does not satisfy the requirements to be tendered a draft Standard Small Generator Interconnection Agreement following the completion of its facilities study, the ISO shall withdraw the Interconnection Request for the Small Generating Facility from the Queue.

40.3.1.5 If, prior to the effective date of the Standard Interconnection Procedures, an Interconnection Customer's Small Generating Facility that has not satisfied the requirements in Sections 40.3.1.2 or 40.3.1.4 either:

(i) has commenced an optional feasibility study or system impact study for the Small Generating Facility, or

(ii) has: (A) satisfied the requirements, as applicable, in Sections 32.3.2.3, 32.3.4.1, and 32.3.4.3 of Attachment Z to the ISO OATT to commence an optional feasibility study or system impact study, (B) Connecting Transmission Owner has confirmed receipt of the complete data provided by the Interconnection Customer that is required for the performance of the applicable study, and (C) the ISO has provided to the Connecting Transmission Owner the final base case required for the applicable optional feasibility study or system impact study, then the ISO, in coordination with the Connecting Transmission Owner, shall proceed using Reasonable Efforts to commence or complete the applicable study unless the Interconnection Customer informs the ISO not to commence or to terminate the study. The ISO shall retain the Queue Position for the Interconnection Request for the Small Generating Facility for the duration of the study and shall withdraw the Interconnection Request from the Queue upon the completion or termination of the study. If the optional feasibility study or system impact study is not completed prior to the end of the Application Window for the Transition Cluster Study Process, then the ISO shall terminate the study and shall withdraw the Interconnection Request for the Small Generating Facility from the Queue.

40.3.1.5.1 An Interconnection Customer with a Small Generating Facility that is subject to an optional feasibility study or system impact study under Section 40.3.1.5 cannot submit an Interconnection Request for the same project or a project using the same Site Control in the Application Window of the Transition Cluster Study Process until the study performed in accordance with Section 40.3.1.5 is

completed or terminated. An Interconnection Customer may cure such deficiency in its Interconnection Request by informing the NYISO to terminate the ongoing study.

40.3.1.6 If, prior to the effective date of the Standard Interconnection Procedures, an Interconnection Customer's Large Facility that is not participating in the Class Year Study for Class Year 2023 either:

(i) has commenced an Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study in accordance with the interim transition procedures set forth in Section 30.5.3 of Attachment X to the ISO OATT, or

(ii) has (A) satisfied the requirements in Section 30.5.3 of Attachment X to commence an Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study, (B) Connecting Transmission Owner has confirmed receipt of the complete data provided by the Interconnection Customer that is required for the performance of the applicable study, and (C) the ISO has provided to the Connecting Transmission Owner the final base case required for the applicable study,

then the ISO, in coordination with the Connecting Transmission Owner, shall proceed using Reasonable Efforts to commence or complete the study unless the Interconnection Customer informs the ISO not to commence or to terminate the study. The ISO shall retain the Queue Position for the Interconnection Request for the Large Facility for the duration of the study and shall withdraw the Interconnection Request from the Queue upon the completion or termination of the study. If the Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study is not completed prior to the end of the Application Window for the Transition Cluster Study

Process, then the ISO shall terminate the study and shall withdraw the Interconnection Request for the Large Facility from the Queue.

40.3.1.6.1 An Interconnection Customer with a Large Facility that is subject to an Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study under Section 40.3.1.6 cannot submit an Interconnection Request for the same project or a project using the same Site Control in the Application Window of the Transition Cluster Study Process until the study performed in accordance with Section 40.3.1.6 is completed or terminated. An Interconnection Customer may cure such deficiency in its Interconnection Request by informing the NYISO to terminate the ongoing study.

40.3.1.7 If the ISO has commenced an Expedited Deliverability Study in accordance with the requirements in Section 25.5.9.2.1 to Attachment S to the ISO OATT that will not be completed prior to the effective date of the Standard Interconnection Procedures, the ISO will withdraw from the Expedited Deliverability Study any Small Generating Facility participating in the study that does not have a completed Small Generator facilities study or is not commencing or continuing with a Small Generator facilities study pursuant to the transition rules in Section 40.3.1.4.

40.3.1.8 If the ISO commenced a system impact study of the Affected System impacts on the New York State Transmission System of a generation project that is interconnecting to another region's transmission system that is not completed prior to the effective date of the Standard Interconnection Procedures, the ISO shall complete the study in accordance with the agreed upon terms of such study. If the study identifies upgrades are required on the New York State Transmission System, the developer may submit a Transmission Interconnection

Application for the upgrade in accordance with the requirements in Attachment P to the ISO OATT and ISO Procedures.

40.3.1.9 For purposes of the performance and the completion or termination of an interconnection study in accordance with Sections 40.3.1.4, 40.3.1.5, or 40.3.1.6, the ISO will perform such studies and invoice study costs and reconcile final payments and any deposit refunds in accordance with the applicable requirements for such study in Attachments X, S, or Z to the ISO OATT unless otherwise indicated in this Section 40.3.1.

40.3.1.10 All projects that remain in the Queue following the effective date of the Standard Interconnection Procedures in accordance with the transition requirements in this Section 40.3.1 shall be subject to the requirements in this Attachment HH to the ISO OATT except as indicated in this Section 40.3.1 or otherwise indicated in this Attachment HH.

40.3.2 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 an Interconnection Request 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 Standard Interconnection Procedures shall be paid by or refunded to the Interconnection Customer, as appropriate. The ISO shall coordinate with the successor transmission provider to complete any Interconnection Request or CRIS-Only Request (including a Cluster Study), as appropriate, that the ISO has begun but has not completed. If the ISO has tendered a draft Standard Interconnection Agreement to the Interconnection Customer but the Interconnection Customer has not either executed that interconnection agreement or requested the filing of an unexecuted

Standard Interconnection Agreement with FERC, unless otherwise provided, the Interconnection Customer must complete negotiations with the successor transmission provider.