

HUNTON & WILLIAMS LLP  
1900 K STREET, NW, SUITE 1200  
WASHINGTON, DC 20006-1109



123 MAIN STREET  
WHITE PLAINS, NEW YORK 10601

September 8, 2008

**By Hand Delivery**

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

Re: Filing of an Executed Standard Large Generator Interconnection Agreement Among the New York Independent Transmission System Operator, Inc., New York Power Authority and Noble Chateaugay Windpark, LLC and Request for Waiver of the Prior Notice Requirements, Docket No. ER08-\_\_\_\_-000

Dear Ms. Bose:

Pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d (2006), Part 35 of the Commission's Regulations, 18 C.F.R. § 35.12 (2008), and Section 11.3 of its Large Facility Interconnection Procedures, the New York Independent System Operator Inc. ("NYISO") and New York Power Authority ("NYPA") ("Joint Filing Parties") hereby tender for filing an executed Large Generator Interconnection Agreement ("Agreement") among the NYISO, NYPA, and Noble Chateaugay Windpark, LLC ("Noble Chateaugay") as the Developer. The Joint Filing Parties respectfully request waiver of the Commission's prior notice requirements<sup>1</sup> to make this Agreement effective as of August 19, 2008.

With the limited exceptions noted in Part I.B of this letter, the Agreement conforms to the NYISO's *pro forma* Large Generator Interconnection Agreement ("LGIA") as that is contained in Attachment X of the NYISO's Open Access Transmission Tariff. As explained in Part I.B, these limited revisions are necessary given NYPA's unique legal status as a power authority governed under New York's Power Authority Act.<sup>2</sup>

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<sup>1</sup> See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *reh'g. denied*, 65 FERC ¶ 61,081 (1993).

<sup>2</sup> N.Y. Public Authorities Law §§ 1000-1017.

**I. Discussion**

**A. Background**

Noble Chateaugay's wind facility ("Facility") will have a total generating capacity of 106.5 MW and will consist of seventy-one 1.5 MW doubly fed induction generators.<sup>3</sup> The Facility which will be located in the Town of Chateaugay, Franklin County, New York, will interconnect to the Ryan Substation in the Town of Clinton, New York. Prior to the connection of the Facility, the Ryan Substation will segment NYPA's line WP-2 into lines WRY-2 and RYP-2. Additional details regarding the interconnection of the Facility are found in Appendix A of the Agreement.

The Joint Filing Parties note that, pursuant to Section 10.5 of the attached Agreement, the Developer will be obligated to pay reasonable incremental operation and maintenance ("O&M") expenses on the Attachment Facilities identified in Appendix A of the Agreement in accordance with terms of that Section 10.5. The Joint Filing Parties further note that, pursuant to Section 10.5 of the attached Agreement, the Developer will, at some time in the future, become obligated to pay reasonable incremental O&M expenses on the System Upgrade Facilities ("SUFs") identified in Appendix A of the Agreement, if and to the extent that Attachment S is amended to impose such an obligation on the Developer.

**B. Changes from the *Pro Forma* LGIA**

**1. Lands of Other Property Owners**

NYPA is a corporate municipal instrumentality and a political subdivision of the State of New York, organized under the laws of New York, and operating pursuant to Title 1 of Article 5 of the New York Public Authorities Law ("PAL"). Under Section 1007 of the PAL, NYPA has the right to take real property through eminent domain when the NYPA Trustees, in their discretion, deem an eminent domain taking necessary or convenient to acquire real property for the purposes described in such statute. The proposed changes to Section 5.13 of the Agreement make it clear that NYPA can only use efforts to acquire property by eminent domain if and to the extent consistent with New York law (*i.e.* PAL Section 1007). NYPA must retain the right to have its Trustees review, on a case-by-case basis, each request for NYPA to exercise its power of eminent domain and to exercise their discretion to approve or deny such request, consistent with the requirements of New York law. Accordingly, the Joint Filing Parties respectfully request that the Commission accept the proposed change to Section 5.13 of the Agreement.

**2. Compliance With New York's Labor Law**

Section 5.2 of the *pro forma* LGIA lists the general conditions applicable to the Developer's Option to Build. The parties have agreed to amend this list of conditions by adding

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<sup>3</sup> Additional details regarding the interconnection are found in Appendix C, Sheet No. 94 of this Agreement.

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a statement that the Developer must comply with Section 220 of New York's labor law, which requires that for work performed on NYPA's existing facilities, workmen, laborers, and mechanics must be paid at least the prevailing wage set forth in that statute. Section 220 also addresses pay supplements, work hours, and payroll filings. Accordingly, the Joint Filing Parties respectfully request that the Commission accept the proposed change to Section 5.2 of the Agreement.

## II. Effective Date

The Joint Filing Parties request an August 19, 2008 effective date for the Agreement, which is the date of execution. The Joint Filing Parties respectfully request that the Commission waive the prior notice requirement in order to permit the August 19, 2008 effective date.<sup>4</sup> The Commission has previously permitted interconnection agreements to become effective as of the date they are executed.<sup>5</sup>

## III. Communications and Correspondence

Communications regarding this filing should be directed to:

### For the NYISO

Robert E. Fernandez, General Counsel  
\*Karen Georgenson Gach, Senior Attorney  
New York Independent System Operator, Inc.  
10 Krey Boulevard  
Rensselaer, NY 12144  
Tel: (518) 356-6000  
Fax: (518) 356-4702  
rfernandez@nyiso.com  
kgach@nyiso.com

\*J. Kennerly Davis<sup>6</sup>  
Hunton & Williams LLP  
951 East Byrd Street  
Richmond, VA 23219  
Tel: (804) 788-8559  
Fax: (804) 788-8218  
kdavis@hunton.com

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<sup>4</sup> See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *reh'g denied*, 65 FERC ¶ 61,081 (1993).

<sup>5</sup> See, e.g., *New York Independent System Operator, Inc. and Niagara Mohawk Power Corp., Letter Order*, Docket No. ER08-985-000 (June 26, 2008) (accepting interconnection agreement effective as of the date of execution); *New York Independent System Operator, Inc. and New York Power Authority, Letter Order*, Docket No. ER08-861-000 (May 27, 2008) (same); *New York Independent System Operator, Inc. and New York Power Authority, Letter Order*, Docket No. ER08-699-000 (May 16, 2008) (same); *New York Independent System Operator, Inc. and Niagara Mohawk Power Corp., Letter Order*, Docket No. ER08-427-000 (Feb. 28, 2008) (same); *New York Independent System Operator, Inc. and New York State Electrical & Gas Corp., Letter Order*, Docket Nos. ER07-1329-000, *et al.* (Jan 3, 2008) (same).

<sup>6</sup> The NYISO respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) (2008) to permit service on counsel for the NYISO in both Washington, DC and Richmond, VA.

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\*Ted J. Murphy  
Vanessa A. Colón  
Hunton & Williams LLP  
1900 K Street, NW  
Suite 1200  
Washington, DC 20006-1109  
Tel: (202) 955-1500  
Fax: (202) 778-2201  
tmurphy@hunton.com  
vcolon@hunton.com

**For NYPA**

Arthur T. Cambouris, Acting Executive Vice  
President & General Counsel  
\*Amy J. Levine, Principal Attorney  
\*Carlos E. Gutierrez, Attorney  
New York Power Authority  
123 Main Street  
White Plains, New York 10601  
Tel: (914) 390-8023 or  
(914) 390-8084  
amy.levine@nypa.gov  
Carlos.Gutierrez@nypa.gov

\*Designated to receive service

**IV. Documents Submitted**

The NYISO submits the following documents:

- A. This filing letter;
- B. A clean version of the Agreement (“Attachment I”); and
- C. Blacklined sheets showing the changes from the body of the NYISO’s *pro forma* LGIA (“Attachment II”).

**V. Service**

The NYISO will send a paper copy of this filing to NYPA and Noble Chateaugay. The NYISO will also electronically send a link to the public version of this filing to the official representative of each of its customers, to each participant on its stakeholder committees, to the

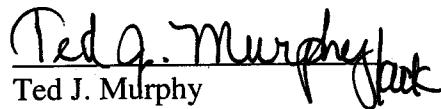
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New York Public Service Commission, and to the electric utility regulatory agencies of New Jersey and Pennsylvania. In addition, the complete public version of this filing will be posted on the NYISO's website at [www.nyiso.com](http://www.nyiso.com). The NYISO will also make a paper copy available to any interested party that requests one. To the extent necessary, the NYISO requests waiver of the requirements of 18 C.F.R. § 35.2(d) (2008) to permit it to provide service in this manner.

**VI. Conclusion**

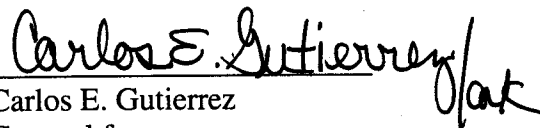
Wherefore, the NYISO and NYPA respectfully request that the Commission accept the attached Agreement effective August 19, 2008.

Respectfully submitted,



Ted J. Murphy  
Counsel for

the New York Independent System Operator, Inc.



Carlos E. Gutierrez  
Counsel for  
New York Power Authority

cc: Shelton Cannon  
Connie Caldwell  
Larry Gasteiger  
Michael Bardee  
Kathleen Nieman  
Lance Hinrichs