

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Advanced Energy United, <i>et al.</i> ,)	
<i>Petitioners,</i>)	
)	
v.)	Nos. 23-1282, <i>et al.</i>
)	(Consolidated)
Federal Energy Regulatory Commission,)	
<i>Respondent.</i>)	

**MOTION TO INTERVENE OF NEW YORK INDEPENDENT SYSTEM
OPERATOR, INC.**

Pursuant to Federal Rule of Appellate Procedure 15(d) and D.C. Circuit Rule 15(b), the New York Independent System Operator, Inc. (NYISO) moves to intervene in each of the petitions for review consolidated in Docket No. 23-1282. Each petition seeks review of the following Federal Energy Regulatory Commission (FERC) order: *Improvements to Generator Interconnection Procedures and Agreements*, Order No. 2023, 184 FERC ¶ 61,054 (2023).

The FERC proceeding at issue in these consolidated cases concerns revisions to FERC's *pro forma* Large Generator Interconnection Procedures, *pro forma* Small Generator Interconnection Procedures, *pro forma* Large Generator Interconnection Agreement, and *pro forma* Small Generator Interconnection Agreement. These modifications, including the creation of new penalties, directly affect the procedures and costs associated with the interconnection of generation resources to the transmission system over which NYISO maintains operational control. NYISO filed

initial and reply comments to FERC's June 16, 2022 Notice of Proposed Rulemaking¹ and timely requested rehearing of Order No. 2023 on August 28, 2023. On November 6, 2023, NYISO filed a petition for review of Order No. 2023 in this Court.

Due to positions that the parties advanced on rehearing, NYISO specifically requests leave to intervene on behalf of FERC in *Advanced Energy United v. FERC*, No. 23-1282, and on behalf of petitioners in the following:

- *Midcontinent Independent System Operator, Inc. v. FERC*, No. 23-1284;
- *PacifiCorp v. FERC*, No. 23-1289;
- *Florida Power & Light Co. v. FERC*, No. 23-1293;
- *Southwest Power Pool, Inc. v. FERC*, No. 23-1297;
- *PJM Interconnection, L.L.C. v. FERC*, No. 23-1299; and
- *FirstEnergy Service Corp. v. FERC*, No. 23-1305.

NYISO also requests intervention in any subsequent petition of Order No. 2023 consolidated with this docket.

Granting intervention in these consolidated proceedings is appropriate under the Federal Rules of Appellate Procedure and this Court's rules. NYISO has a direct and substantial interest in this litigation that is distinct from those of all other parties

¹ *Improvements to Generator Interconnection Procedures and Agreements*, Notice of Proposed Rulemaking, 179 FERC ¶ 61,194 (2022).

and that cannot be adequately represented by any other party. To protect this interest, NYISO actively participated in the underlying FERC proceedings and timely requested rehearing of Order No. 2023.

Respectfully submitted,

/s/ Ted J. Murphy

Ted J. Murphy

Counsel of Record

Hunton Andrews Kurth LLP

2200 Pennsylvania Avenue, NW

Washington, D.C. 20037

(202) 955-1588

tmurphy@hunton.com

C. Dixon Wallace III
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
(804) 344-7955
dwallace@hunton.com

Counsel for NYISO

Dated: November 6, 2023

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion complies with the requirements of Rules 27(d)(1)(E), 32(a)(5), and 32(a)(6) of the Federal Rules of Appellate Procedure because it was prepared in 14-point Times New Roman, a proportionally spaced font. I further certify that the motion complies with the type-volume limitations of Rule 27(d)(2)(A) because it contains 358 words, excluding the parts exempted by Rule 32(f), according to the count of Microsoft Word.

/s/ C. Dixon Wallace III

C. Dixon Wallace III
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
(804) 344-7955
dwallace@hunton.com

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2023, I caused this motion and corporate disclosure statement to be electronically filed with the Clerk of this Court by using the appellate CM/ECF system. The participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ C. Dixon Wallace III

C. Dixon Wallace III
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
(804) 344-7955
dwallace@hunton.com

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Advanced Energy United, <i>et al.</i> ,)	
<i>Petitioners,</i>)	
)	
v.)	Nos. 23-1282, <i>et al.</i>
)	(Consolidated)
Federal Energy Regulatory Commission,)	
<i>Respondent.</i>)	

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and D.C. Circuit Rule 26.1, New York Independent System Operator, Inc. (NYISO) makes the following disclosures:

NYISO is a not-for-profit corporation organized and existing under the laws of New York. Although NYISO does not own or control any electric power generation facilities, it possesses operational control over certain electric transmission facilities in New York State and issues commitment and dispatch instructions to electric power generation facilities. NYISO is the independent body responsible for providing open access transmission service (including generator interconnection service), maintaining reliability, and administering competitive wholesale electricity markets in New York State. NYISO also engages in planning for the high-voltage transmission system in New York, and oversees the allocation of costs for certain transmission projects planned through NYISO's processes.

NYISO is not a publicly held company. It does not have a parent company, and no publicly held company has a 10% or greater ownership in it.

Respectfully submitted,

/s/ Ted J. Murphy _____

C. Dixon Wallace III
Hunton Andrews Kurth LLP
951 East Byrd Street
Richmond, VA 23219
(804) 344-7955
dwallace@hunton.com

Ted J. Murphy
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
(202) 955-1557
tmurphy@hunton.com

Counsel for NYISO

Dated: November 6, 2023