

Proposed Revision to Regulatory Milestones for Class Year Study

Thinh Nguyen

Senior Manager, Interconnection Projects

Management Committee

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Background on Proposed Revision

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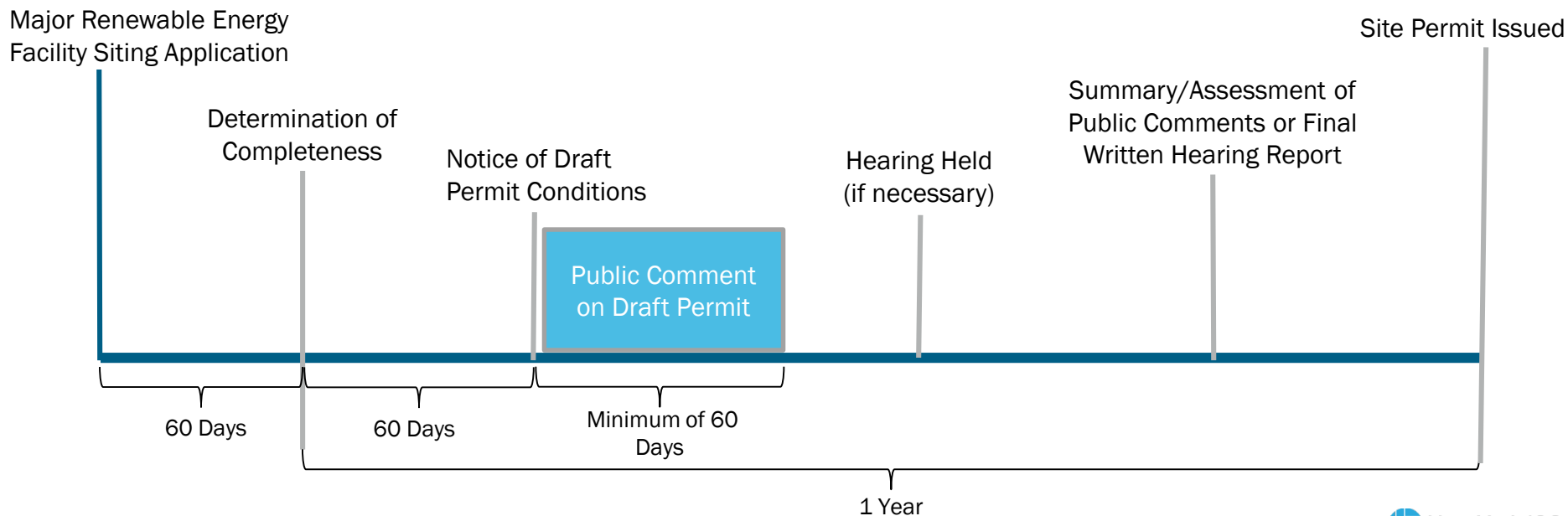
- On April 3, 2020, New York State enacted the Accelerated Renewable Energy Growth and Community Benefit Act (the “Act”) to help achieve the Climate Leadership and Community Protection Act (“CLCPA”) by, among other things, taking appropriate action to ensure that new renewable energy generation projects can be sited in a timely and cost-effective manner.
- New Section 94-C of the Executive Law created the Office of Renewable Energy Siting and requirements governing the siting of “major renewable energy facilities.”
- Such requirements replace siting determinations by the New York State Public Service Commission under Article 10 of the Public Service Law for renewable energy systems meeting the definition of “Major Renewable Energy Facility.”

Background on Proposed Revision

- **Under Section 94-C of the Executive Law, the Office of Renewable Energy Siting would be responsible for receiving and approving siting permits for:**
 - Renewable energy systems with a nameplate capacity of 25 MW or more and any co-located system storing energy generated from such a renewable energy system, and
 - Renewable energy systems with a nameplate capacity between 10 MW and 25 MW, if the developer avails its project of the process under Section 94-C.
- **Section 94-C became effective on April 3, 2020**
 - Subdivision (3)(b) mandates that the Office of Renewable Energy Siting establishing uniform standards and conditions for the siting program by April 2021.
 - Prior to enactment of uniform standards and conditions, the Office of Renewable Energy Siting shall process applications for siting of major renewable energy facilities based on their conformity with the form and content of an application required by Section 164 of the Public Service Law
 - Renewable energy facilities that have submitted an application under Article 10 of the Public Service Law may transfer to the siting process under Section 94-C or continue being processed under Article 10.

Background on Proposed Revision

- Overview of Section 94-C Siting Program



Background on Proposed Revision

- **Section 25.6.2.3.1.1 of Attachment S sets forth the regulatory milestones that a Large Facility must satisfy in order to enter a Class Year Study**
 - Presently there is a specific milestone for Large Generators greater than 25 MW to demonstrate that the project has an application deemed complete pursuant to Article 10 of the Public Service Law that meets the requirements under Section 164 of the Public Service Law.
- **For projects subject to Section 94-C, there is no specific regulatory milestone comparable to the Article 10 application deemed complete.**
 - While a major renewable energy facility could still demonstrate satisfaction of a regulatory milestone based upon the determinations pursuant to SEQRA (see Sections 25.6.2.3.1.8), the NYISO recommends the addition of a regulatory milestone that recognizes the specific Section 94-C process.

Proposed Revision to Attachment S

Proposed Revision to Section 25.6.2.3.1.1

- Due to the new siting process for major renewable energy facilities under New York Law, the NYISO proposes to add a specific regulatory milestone for a Large Generator that (a) is required or (b) is eligible and elects to undergo the siting process under Section 94-C of the Executive Law.

Proposed Revision to Section 25.6.2.3.1.1

- Proposed revision would include addition of a regulatory milestone as follows:

25.6.2.3.1.1.8 For a Large Generator, a determination pursuant to Section 94-C(5)(b) of the Executive Law that an application filed for a major renewable energy facility is deemed complete.

- Additionally, existing Sections 25.6.2.3.1.1.8 through 25.6.3.1.1.9 of Attachment S will be renumbered.

Proposed Schedule

- **The NYISO proposes to act expeditiously to add the new regulatory milestone to obtain an order prior to the start of the next Class Year Study**
 - **August 7, 2020** – Presentation to TPAS
 - **August 13, 2020** – Operating Committee Approval
 - **August 26, 2020** – Management Committee Approval
 - **September 2020** – Board of Directors Approval
 - **September 2020** – Section 205 Filing with FERC

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- Maintaining and enhancing regional reliability
- Operating open, fair and competitive wholesale electricity markets
- Planning the power system for the future
- Providing factual information to policymakers, stakeholders and investors in the power system

