

10/11/2024

Subject: Commercial Operation Date (COD) Extension Requests in the Standard Interconnection**Process**

Statement: This Technical Bulletin provides information regarding an Interconnection Customer's request to extend its COD for its project as set forth in Attachment HH to the Open Access Transmission Tariff (OATT).

Details:**Background**

This Technical Bulletin addresses the requirements related to an Interconnection Customer's request for an extension of the Commercial Operation Dates ("COD") for its project. The primary tariff requirements are set forth in Sections 40.6.3.4 and 40.6.3.5 of Attachment HH to the NYISO OATT, and the below description of these tariff provisions will be incorporated into the NYISO Transmission Expansion and Interconnection Manual.

Notification Rules for Required Extensions of Key Project Milestones

An Interconnection Customer must provide the NYISO with notice of any proposed extensions of its project's Initial Backfeed Date, Synchronization Date, or Commercial Operation Date both: (i) as soon as it becomes apparent to the Interconnection Customer that the most recent proposed Initial Backfeed Date posted in the Queue is infeasible, and (ii) also prior to the expiration of the Initial Backfeed Date posted in the Queue.¹ Such notice should be submitted to interconnectionsupport@nyiso.com and corresponding updates submitted in the Interconnection Projects Portal. The NYISO may separately request updates for dates that do not appear feasible based on the project's status in the Queue. A project will be withdrawn pursuant to Section 40.6.4 of Attachment HH upon (1) failure to provide quarterly updates as required by Section 40.11.6.2 of Attachment HH; (2) failure to timely respond to NYISO requests for updates (responses required within 10 Business Days of NYISO request) and/or (3) failure to update the above dates before their expiration. For dates that require a Material Modification review as discussed below of this Technical Bulletin, the requirements must be satisfied prior to the expiration of the project's currently approved Commercial Operation Date in the manner described below.

Submission of COD Extension Requests

Section 40.6.3 of Attachment HH establishes the process by which an Interconnection Customer may request a modification of its proposed project.

Four-Year COD Extensions Permitted by Section 40.6.3.4 of Attachment HH. An Interconnection Customer is permitted pursuant to Section 40.6.3.4 of Attachment HH to extend its COD within four years of the following date that is applicable to its project:

- (i) completion date of the Cluster Study in which it participated (40.6.3.4.1);
- (ii) completion date of the Class Year Study in which it participated (40.6.3.4.2); or
- (iii) date that the NYISO tendered a Small Generator Interconnection Agreement for the project (40.6.3.4.3).

¹ NYISO OATT § 40.6.3.6.

A COD extension within this time period is not a Material Modification and does not require an Interconnection Customer to submit a Facility Modification Request form. The Interconnection Customer needs only to submit to the NYISO the updated dates to interconnectionsupport@nyiso.com and in the Interconnection Projects Portal as a revision.

Rules for Extensions Beyond Four-Year Period in Section 40.6.3.5 of Attachment HH. For an Interconnection Customer to obtain a COD extension beyond the 4-year time period established in Section 40.6.3.4 or beyond a previous extension that the NYISO determined was not a Material Modification, the NYISO must determine that an Interconnection Customer's requested extension of its COD satisfies the three components for such extension set forth in Section 40.6.3.5 of Attachment HH. A COD extension that the NYISO determines satisfies the three components is permitted and will not be a Material Modification. The process steps for an Interconnection Customer to submit the requested extension is further detailed below

Component 1 – Permitted Grounds for Extension (40.6.3.5.1)

To satisfy the first component, the Interconnection Customer must satisfy one of the following three permitted grounds for an extension:

1. The Interconnection Customer's requested COD is on or before May 2, 2028.² Please note that the Interconnection Customer's requested COD must reflect the COD that the Interconnection Customer reasonably expects to achieve, which must align with the updated milestones it develops with the Connecting Transmission Owner pursuant to Component 2 described below. An Interconnection Customer should not request an extension of its COD until May 2, 2028 [as a form of catch all/holding date] if it intends for its project to enter Commercial Operation before that date.
2. The Interconnection Customer demonstrates (via an officer certification) that:
 - (i) its project cannot achieve its COD within the four year period of time permitted by Section 40.6.3.4 or a previously granted extension due to: (A) its technology type, or (b) the sequencing of work on the transmission or distribution system that is beyond the control of the Interconnection Customer (i.e., unavailability of required system outages; delays in the completion of facilities included in the base case of the project's interconnection study that are required for the project to enter Commercial Operation at its Point of Interconnection); and
 - (ii) its project is still progressing to the extent reasonably possible.³
3. The Interconnection Customer demonstrates (via an officer certificate) that it has made reasonable progress in the development of its project against the milestones set forth in its interconnection agreement or included in the updated milestones agreed upon with the Connecting Transmission Owner.⁴ Examples of milestones that demonstrate reasonable progress include the following:
 - completion of engineering design,
 - major equipment orders,
 - commencement and continuation of construction of the Facility and associated Attachment Facilities, Distribution Upgrades, or System Upgrade Facilities, as applicable,
 - completion of applicable permitting process,

² 40.6.3.5.1.1

³ 40.6.3.5.1.2

⁴ 40.6.3.5.1.3

- application of the applicable primary siting permitting process deemed complete with demonstration that project is on course to obtain final permit in time to meet requested COD.

The Interconnection Customer must include any required officer certification and supporting documentation as part of its submission of its Facility Modification Request. The NYISO will evaluate Interconnection Customer's demonstrations that its project has satisfied the requirements under this first component on a case-by-case basis. Upon the NYISO's request, Interconnection Customer must promptly provide the NYISO with additional information concerning its demonstration concerning this first component.⁵ In addition, an Interconnection Customer that relied on certain milestones to extend its COD must demonstrate satisfaction of additional milestones for any subsequent requested extensions.⁶

Component 2 – Agreed Upon Milestone Schedule (40.6.3.5.2)

To satisfy the second component, the Interconnection Customer must provide the NYISO with a milestone schedule for the interconnection of its project that it has agreed upon with the Connecting Transmission Owner ("CTO") that meets the requested extended COD. The CTO shall not unreasonably withhold agreement on the revised schedule. The Interconnection Customer must include the agreed upon milestone schedule with its submission of its Facility Modification Request.

Component 3 – Cost Estimate Update (40.6.3.5.3)

For the third component, the NYISO must make a determination, in consultation with the CTO and/or any Affected Transmission Owners ("ATO") whether a Cost Estimate Update is required or not: (i) to update the cost estimates of the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, or System Upgrade Facilities identified for the project in its applicable interconnection study and (ii) to determine if replacement equipment is required for any equipment identified in the applicable interconnection study that is no longer available. The NYISO will make such determination following the Interconnection Customer's submission of its Facility Modification Request requesting a COD extension.

In determining if a Cost Estimate Update is required and when such study will be performed, the NYISO, in consultation with the CTO and/or any ATOs, will consider the following:

- the requested length of the extension,
- the duration in time since the cost estimates were determined in the applicable Small Generator facilities study, Class Year Study, or Cluster Study for the project,
- the updated milestone schedule for the project agreed upon by the Interconnection Customer and Connecting Transmission Owner, and
- whether the interconnection facilities are shared with other projects.

If the NYISO determines a Cost Estimate Update is not required, this third component shall be deemed satisfied without further action required.

If the NYISO determines that a Cost Estimate Update is required, the NYISO will provide the Interconnection Customer with the basis for that determination, and the Interconnection Customer must agree in writing: (i) that the Cost Estimate Update be performed, (ii) that it will be responsible for the costs of such evaluation, and (iii) that its extended COD shall be subject to its acceptance of, and its posting of any additional Security, of any increase in the cost estimate. To satisfy this requirement, the Interconnection Customer must complete and execute the attestation form included as Attachment I to this Technical Bulletin. The need and timeframe for the update will be included in the interconnection agreement or an

⁵ 40.6.3.5.1.4.

⁶ 40.6.3.5.1.5.

amended version of the interconnection agreement for the project, unless the Cost Estimate Update will be performed prior to the execution, or the unexecuted filing, of the interconnection agreement.

The CTO or ATO will perform any Cost Estimate Update agreed upon by the Interconnection Customer, and the Interconnection Customer will be responsible to pay for any costs associated with performing the Cost Estimate Update. The Cost Estimate Update will include updates to the cost estimates of the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, or System Upgrade Facilities identified in the applicable Small Generator facilities study, Class Year Study, or Cluster Study for the project. If the CTO or ATO determines that equipment identified in the applicable interconnection study for the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, or System Upgrade Facilities for Interconnection Customer's project is no longer available, the CTO or ATO may, as part of its Cost Estimate Update, identify and provide the cost estimate for any replacement equipment.

If the Cost Estimate Update identifies revised cost estimates (including for any replacement equipment), the Interconnection Customer will only be permitted to proceed with its requested COD extension if it accepts within ten (10) Business Days of the conclusion of the Cost Estimate Update its cost allocation for, and provides cash or posts Security to, the CTO for, the revised cost estimates. The updated cost estimates will be included in the interconnection agreement for the project, and if there is already an effective interconnection agreement, the parties will amend the agreement to include the information. Any security posted for updated cost estimates are subject to requirements concerning security forfeiture, as detailed in Section 40.16.1, and the requirements for future cost responsibility set forth in Section 40.16.3.

Process Steps for Requesting an Extension Beyond Four-Year Period

To request such an extension of a project's COD beyond the four-year period permitted by Section 40.6.3.4 of Attachment HH, an Interconnection Customer must take the following steps.

First, the Interconnection Customer should reach out to the applicable Connecting Transmission Owner to coordinate the development of an updated milestone schedule with its requested COD as required to satisfy Component 2. The milestone table is required to be included with the Facility Modification Form that the Interconnection Customer must submit to request the modified COD.

Second, the Interconnection Customer must then submit to the NYISO to interconnectionsupport@nyiso.com the Facility Modification Request form⁷ completing the information concerning the requested COD extension, including providing: (i) the updated milestone schedule agreed upon with the Connecting Transmission Owner and (ii) any supporting information or documentation required by the form for the requested extension such as any officer certifications required to address the grounds for the extension under Component 1. A \$10,000 study deposit is only required for modification requests for which the NYISO must perform a study to evaluate the requested modification and will not be required for Interconnection Customer's submission of a Facility Modification Request form to request an extension of a project's COD.

Following its receipt of the Facility Modification Request form, the NYISO will review the requested modification and will inform the Interconnection Customer whether a Cost Estimate Update is required. As described above, if the NYISO determines a Cost Estimate Update is not required, the Interconnection Customer will not be required to take further action to satisfy the third component of the extension request. If, on the other hand, the NYISO determines a Cost Estimate is required, the Interconnection

⁷ The Facility Modification Request form is located in Appendix 5 of Attachment HH and is available at: <https://www.nyiso.com/documents/20142/1403912/Facility-Modification-Request-Form.pdf/ffe78720-b8c6-23de-28a5-132e187b54d1>.

Customer must then complete and execute the attestation form included as Attachment I to this Technical Bulletin.

If a project requesting to modify its COD already has an executed (or an accepted unexecuted) interconnection agreement, the parties will be required to amend this interconnection agreement to reflect any updated In-Service Date/Initial Feedback Date and Commercial Operation Date. The parties will be required to make such amendment, regardless of whether the change to these key milestones is permitted pursuant to Section 40.6.3.4 or determined by the NYISO not to be a material modification pursuant to Section 40.6.3.5. If a project requesting to modify its COD does not yet have an executed (or an accepted unexecuted) interconnection agreement, the parties will reflect the modified In-Service Date/Initial Feedback Date and Commercial Operation Date in the draft interconnection agreement under negotiation.

If the requested COD extension requires a Cost Estimate Update, the NYISO will coordinate with the parties concerning the timeframe for amending the interconnection agreement, which the NYISO will determine based on the identified timeframe for the performance of the Cost Estimate Update. That is, if the NYISO, in coordination with the applicable Connecting Transmission Owner or Affected Transmission Owner, determined that the Cost Estimate Update should be performed in the near term, the parties will defer amending the agreement until the conclusion of the update. However, if the Cost Estimate Update will not be performed in the near term, the parties will amend the agreement and incorporate the Cost Estimate Update into the project's milestones. In such case, the parties may be required to further amend the interconnection agreement to reflect the results of the Cost Estimate Update.

COD Extension Requirements That Must Be Satisfied Prior to Expiration of Permitted COD Deadline

Prior to a project reaching the deadline for the maximum extension of its COD permitted by the requirements in Section 40.6.3.4, the Interconnection Customer must satisfy the following requirements for its project to obtain an extension of its COD under the requirements in Section 40.6.3.5 or the project will be subject to withdrawal from the Queue:

- (i) obtain a NYISO determination that the project has satisfied one of the permitted grounds for an extension described above for Component 1;
- (ii) submit the milestone table agreed upon with the Connecting Transmission Owner for the extended COD as described above for Component 2; and
- (iii) (A) obtain a NYISO determination that a Cost Estimate Update is not required or (B) if a Cost Estimate Update is required, submit to the NYISO the completed and executed attestation form concerning such Cost Estimate Update as described above in Component 3.

To achieve these steps, the Interconnection Customer should follow the process steps described above. Following an extension of a project's COD pursuant to these requirements, if a Cost Estimate Update was determined to be required for this extension, the project remains subject to the requirements in Section 40.6.3.5.3 and described above in Component 3 concerning the Cost Estimate Update and will be subsequently withdrawn if it does not satisfy its requirements concerning this update, including memorializing the update in the interconnection agreement or an amended agreement, if applicable, the project's responsibilities for the costs associated with the performance of the update, and the project's acceptance of, and provision of cash or Security, for any revised cost estimates determined in the update. The NYISO encourages Interconnection Customers to request a COD extension as soon as it becomes aware of the needed extension to ensure that there is sufficient time for it to satisfy the extension requirements prior to being subject to withdrawal.

This Technical Bulletin is expected to be incorporated into the next revision/version of the Transmission Expansion and Interconnection Manual.