



May 2, 2022

Via Email

[PublicPolicyPlanningMailbox@nyiso.com](mailto:PublicPolicyPlanningMailbox@nyiso.com)  
New York Independent System Operator

RE: Initial Characterization of Project Facilities for Public Policy Transmission Projects proposed in response to the Long Island Offshore Wind Export Public Policy Transmission Need.

To Whom It May Concern:

The New York Power authority (NYPA), acting in its capacity as the Connecting Transmission Owner,<sup>1</sup> submits the following comments to dispute two items regarding the “Initial Characterization of Project Facilities” issued by the New York Independent System Operator (NYISO) on April 11, 2022, for facilities proposed as a solution(s) to the Long Island Offshore Wind Export Public Policy Transmission Need connecting to the NYPA transmission system.

**1. Correct the Identification of Ownership of Certain Transmission Elements at the Existing East Garden City 345/138 kV Substation.**

On page-5 within ID-S4 titled “Existing East Garden City 345/138 kV Substation (LIPA)” there are certain transmission elements incorrectly identified as being owned by the Long Island Power Authority (LIPA), when in fact these elements are owned by NYPA. NYPA owns all 345 kV elements, including auto transformers, phase angle regulators, and shunt reactor at this substation facility. LIPA owns all 138 kV elements at this substation facility. The point of change of ownership is at or near the 138 kV bushings of the auto transformers. As such, the Sub IDs within ID-S4 related to the transformer and related equipment should identify NYPA as the owner rather than LIPA and the heading should identify that ownership is split.

ID-S4 on page 5 of the April 11, 2022, Initial Characterization of Project Facilities should be corrected as follows:

S4	Existing East Garden City 345/138 kV Substation (LIPA/NYPA)		Facility Characterization	Owner
	B1	Breaker and a half GIS installation	Upgrade	NYPA
	B2	Breaker(s) installation	Upgrade	NYPA
	T	Transformer(s) installation	Upgrade	NYPA
	SHR1	Shunt reactor(s) installation on terminal of proposed line(s)	Upgrade	NYPA
	SHR2	345 kV Shunt reactor(s) installation on bus	Upgrade	NYPA

<sup>1</sup> The development arm of NYPA will be submitting separate comments as part of Propel NY

SR	Series reactor(s) installation on terminal of existing line(s)	Upgrade	LIPA
P	345 kV PAR(s) installation on terminal of proposed line(s)	Upgrade	NYPA
R	Relay work for P5 contingency mitigation	Upgrade	LIPA/NYPA

## **2. ID-S24 Proposed East Garden City 345 kV Substation on New Footprint Facilities Should be Characterized as a Public Policy Transmission Upgrade and Not New Facilities.**

NYPA respectfully requests that the NYISO apply the definition of Public Policy Transmission Upgrade uniformly and characterize the improvements and additions that split and reconnect the existing facilities at East Garden City Substation in ID-S24 as Public Policy Transmission Upgrades.

The NYISO tariff defines “Public Policy Transmission Upgrade” as “[a]ny portion(s) of a Public Policy Transmission Project that satisfies the definition of upgrade in Section 31.6.4 of this Attachment Y of the NYISO Open Access Transmission Tariff (OATT).”<sup>2</sup> Section 31.6.4 of the OATT defines “Upgrade” as “an improvement to, addition to, or replacement of a part of, an existing transmission facility and shall not refer to an entirely new transmission facility.”<sup>3</sup> In the Federal Energy Regulatory Commission’s (FERC) April 15, 2021 order confirming an incumbent transmission owner’s federal right of first refusal, FERC provided additional clarity on the distinction between an Upgrade and a New Facility, indicating that the retirement of an existing facility and developing an entirely new facility with different physical configurations resulting and performing different transmission functions, would likely fall outside the definition of an Upgrade.<sup>4</sup> Both the Public Policy Transmission Upgrade definition and the FERC guidance on Upgrades focus on the proposed electrical infrastructure and its network connections/functionality compared to the existing facilities and whether or not the proposed facilities and their functions are entirely new. The NYISO tariff definition and FERC’s clarification do not include any reference to the “footprint” or physical location of the transmission facilities as a criterion for characterization. As such, any facility characterization should be based on the facility’s electrical interconnections/functionality, and not whether the proposed facilities have a new or expanded footprint.

The NYISO has also provided greater clarity on the definition of “Upgrade.” In its August 20, 2019 presentation to stakeholders at the Electric System Planning Working Group/Transmission Planning Advisory Subcommittee (ESPWG/TPAS) stating that an upgrade is a proposal that is any improvement to, addition to, replace in part, relocation of, or decommissioning of an existing transmission facility that is not an expansion of the transmission system that adds a new electrical pathway(s) or functionality that did not exist prior to the expansion or that functions

<sup>2</sup> NYISO OATT, Attachment Y, Section 31.1.1

<sup>3</sup> NYISO OATT, Attachment Y, Section 31.6.4.

<sup>4</sup> EL20-65-000, Order on Petition For Declaratory Order, 175 FERC ¶ 61,038 (April 15, 2021), P16, P45.

independent from existing transmission facilities.<sup>5</sup> This clarification follows the OATT and FERC guidance on the definition of Upgrade and focus on the electrical functions of the proposed facilities and whether or not the proposed facilities are entirely new or provide an entirely new electrical functionality.

In ID-S24 the existing electrical bus connections between the PARS and transformers at the existing 345 kV substation at East Garden City are split and reconnected, and the proposed equipment improves and adds to the existing transmission facility to increase the electric system performance of the existing facilities. The changes identified in ID-S24 do not create new transmission functions, as compared to the existing facility, nor do they operate entirely independent from the existing transmission facilities, and the existing substation facilities that are being split are not being retired, as in the April 15, 2021, FERC Order example. The improvements and additions under ID-S24 are located across the street from the existing facility, but the physical location is not part of the definition of a Public Policy Transmission Upgrade or FERC's guidance. ID-S24 fits squarely within the OATT's definition of a Public Policy Transmission Upgrade and is consistent with FERC's and the NYISO's guidance indicating that it should be correctly characterized as a Public Policy Transmission Upgrade, rather than a new facility.

The NYISO must apply the definition of Public Policy Transmission Upgrade uniformly and characterize ID-S24 as a Public Policy Transmission Upgrade in the same manner as it has characterized other electrically similar proposals at the East Garden City Substation. In the NYISO's Initial Characterization of Project Facilities, the ID-S5 existing station expansion and ID-S24 new footprint of the East Garden City 345 kV Substation proposed facilities have similar electrical connections but are characterized differently. In ID-S5, the proposed facilities are characterized as Public Policy Transmission Upgrades, while ID-S24 is characterized as a new facility. The proposed facilities in ID-S5 accomplish the same electrical modification as ID-S24 which is to split and reconnect the existing substation facilities in order to increase electric system performance and the electrical network connectivity of the existing substation to the rest of the electrical grid. The only notable difference between the two proposals is that ID-S24 is located on a new footprint across the street, while ID-S5 adds to the existing substation on a contiguous property, both of which require the acquisition of new property. However, as noted above, the OATT definition of an 'Public Policy Transmission Upgrade' is based on the electrical connectivity/functionality and not where the proposed facilities are being constructed.<sup>6</sup>

Further, NYISO's Initial Characterization of Project Facilities is not consistent in its characterization of New Facility Vs. Public Policy Transmission Upgrade among different proposals with similar electrical improvements at different substations. For example, ID-S1 the Existing Barrett 138 kV Substation, ID-S3 Existing Dunwoodie 345 kV Substation, S7 Existing Farragut 345 Substation, and S15 Existing Rainey 345 kV Substation, have similar electrical improvements that split and reconnect the existing transmission facilities and improve or add to

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<sup>5</sup> Updated Straw Proposal to Address Upgrades in the Public Policy Transmission Planning Process, NYISO, ESPWG/TPAS, August 20, 2019, Slide 14.

<sup>6</sup> It should be noted that while the NYISO characterization list for substation facilities includes discussion of new footprints, footnote 3 on page 4 correctly discusses that any differentiation in characterization is based upon whether or not existing facilities are being used or relocated.

the existing facilities. In some instances, ID-S1, ID-S3, ID-S7 and S15 improvements are outside of the existing fence line or allow for new transmission line connections, similar to ID-S24 at East Garden City. ID-S1, ID-S3, ID-S7 and ID-S15 are all characterized as Public Policy Transmission Upgrades, while the similar substation improvements and additions to facilities for ID-S24 New East Garden City 345 kV Station are categorized as new facilities. The NYISO should resolve this inconsistency in its Final Characterization of Project Facilities, to find that the additions and improvements under ID-S24 are Public Policy Transmission Upgrades.

At the August 18, 2021 NYISO ESPWG/TPAS the NYISO made a presentation that provided examples of what proposed facilities would be considered upgrades or new facilities.<sup>7</sup> Example A on slide 5 showed the improvement and addition to a substation to accommodate a new transmission line.<sup>8</sup> In that example, Substation A, the improvement to an existing substation that increases electrical system performance and expands the existing substation footprint was considered an upgrade, while the new lines connecting to the improved existing substation and an entirely new substation are characterized as new facilities. This is consistent with the modifications proposed in ID-S24 at the East Garden Facility Substation and, as such, these proposed facilities should be characterized as Upgrades rather than new facilities.

The additions and improvements to the East Garden Substation identified in ID-S24 split and reconnect the existing facilities. The additions and improvements in ID-S24 do not create new transmission functions nor do they operate entirely independent from the existing transmission facilities, and the existing substation facilities that are being split are not being retired. NYPA requests that the NYISO characterize the additions and improvements identified in ID-S24 as Public Policy Transmission Upgrades, consistent with the definition in the OATT, FERC and the NYISO guidance, as well as the NYISO's characterization of similar proposed Public Policy Transmission Upgrades in the NYISO's Final Characterization of Project Facilities.

/s/Brian Saez

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<sup>7</sup> Long Island Offshore Wind Export PPTN Update, NYISO, ESPWG/TPAS, August 18, 2021.

<sup>8</sup> Id. Slide 5.