
Subject: Site Control in the Interconnection Cluster Study Process

Statement: This Technical Bulletin provides information regarding Site Control requirements for Interconnection Customers under the NYISO's Cluster Study Process as set forth in Attachment HH to the Open Access Transmission Tariff (OATT).

Details:**DRAFT****Background**

This Technical Bulletin addresses the requirements related to Site Control for purposes of the interconnection of Facilities seeking to participate in a Cluster Study (including the Transition Cluster Study). Primary requirements are set forth in Section 40.5.5 of Attachment HH to the NYISO OATT, and will be incorporated into the NYISO Transmission Expansion and Interconnection Manual.

Definition of Site Control

To demonstrate Site Control, an Interconnection Customer must submit documentation that establishes the necessary land right sufficient to develop, construct, operate, and maintain the Facility over a term of at least 10 years from the date of the submission of the Interconnection Request. Such documentation must establish: (1) ownership of, a leasehold interest in, or a right to develop a site of sufficient size to construct and operate the Facility; (2) an option to purchase or acquire a leasehold site of sufficient size to construct and operate the Facility; or (3) any other documentation that clearly demonstrates the right of Interconnection Customer to occupy a site of sufficient size to construct and operate the Facility. The term "necessary land right" restricts the use of the site for mutually exclusive projects, but does not restrict multi-use applications of the site in addition to its use for the Facility, such as agriculture, ranching, etc.¹

Timing to Demonstrate Site Control

Interconnection Customers must submit their Site Control documents as part of their Interconnection Request in the Interconnection Portal during the Application Window of the Cluster Study. NYISO will only accept Interconnection Requests during the Application Window which is a 45-day window (75 days during the Transition Cluster Study).² Within 10 Business Days (15 business days during the Transition Cluster Study) of receipt of an Interconnection Request, NYISO will notify the Interconnection Customer that its Interconnection Request is valid or identify any deficiencies which includes deficiencies related to Site Control.³

NYISO will identify deficiencies in its first review of the Interconnection Request and Interconnection Customer must address all deficiencies with each cure response submittal. An Interconnection Customer must cure Interconnection Request deficiencies within the time period set forth in Section 40.5.7.2 of Attachment HH to the OATT.

¹ See Section 40.1 of Attachment HH to the OATT.

² See Section 40.5 of Attachment HH to the OATT for rules pertaining to the Transition Cluster Study Process.

³ See Section 40.5.7.1 of Attachment HH to the OATT

Site Control Submission Requirements

All Interconnection Customers must demonstrate full Site Control for the Facility at the time of their Interconnection Request for a Cluster Study project and provide the following items with their Interconnection Request submission:

- a legally binding document that demonstrates Interconnection Customer has the rights to develop specific fuel source and clearly sets forth the acreage to accommodate the Facility; *See “Accepted Site Control Document Types” section below for further details*
- signed attestation from an officer of the company;⁴ and
- a detailed site plan and equipment layout detailing the conceptual design of the proposed facility.⁵

Accepted Site Control Document Types. To demonstrate Site Control, an Interconnection Customer must submit a legally binding instrument, fully executed, that demonstrates the following:

- The Interconnection Customer has the right to develop specific fuel source
- Statement of exclusivity
- Permission to use the site
- Clearly identifies acreage of parcel(s)
- Term of at least 10 years from the date of submission of the Interconnection Request

The following are accepted document types:

- Title, Deed, or Tax Bill
- Lease Agreement (includes BOEM lease for offshore wind projects)
- Option to Lease or Option to Purchase (underlying lease term combined with the option term must add up to at least 10 years)
- Easement
- Right of Way

If the document is not from the NYISO’s accepted list, language in the document must demonstrate Interconnection Customer has the rights described above.

Attestation. The attestation must be signed by an officer of the company and indicate (i) the amount of acreage covered by the provided Site Control materials; and (ii) the acreage is consistent with the acreage denoted in the “Technology-specific Acreage Requirements Table” (the “Table”) and other Site Control parameters for the Facility’s technology type set forth in ISO Procedures.⁶ If the Facility is a technology type not addressed in ISO Procedures or if the amount of acreage covered by the provided Site Control materials does not meet the Facility’s technology type acreage requirement as set forth in ISO Procedures, then, instead, the Interconnection Customer must submit an alternative attestation with a site plan signed and stamped by a licensed professional engineer.⁷ Refer to the section below on “Requirements for Projects that Do Not Meet the Minimum Acreage or are Technologies Not Specified in NYISO’s Minimum Acreage Requirements” for further details.

⁴ The Interconnection Customer will submit one of two attestation forms depending on if their project meets the ISO’s technology-specific acreage requirements.

⁵ *See* Section 40.5.5.1.5 of Attachment HH to the OATT

⁶ *See* Section 40.5.5.1.5 of Attachment HH to the OATT

⁷ *See* Section 40.5.5.1.5 of Attachment HH to the OATT

Site Plan. A detailed site plan and equipment layout (including, for example, battery racks and inverters) detailing the conceptual design of the proposed facility and how it is situated within the area that is covered by the Site Control and available for the Interconnection Customer’s use. The Site Plan should include the following details:

- Project Boundaries
- Boundaries of Parcel(s) and/or total lease area
- Point of Interconnection (POI)
- Proposed Tie-Line and Collector Routes
- Interconnection Customer’s Attachment Facilities
- Any known site limitations such as wetlands, unusable land, spacing, setbacks, etc.

Additionally, below are specific site plan requirements for certain technologies:

- Energy Storage projects – indicate whether it is an indoor or outdoor facility
- Solar projects - include the calculation of the percentage of land available for all equipment/facilities and the direct area occupied by the PV arrays.
- Offshore wind projects - include wind turbine layouts and spacing of rotor diameter, shipping lanes, marine cables, and no surface occupancy (portions of bight not suitable for construction)

Technology-specific Acreage Requirements

The Interconnection Customer must demonstrate that the acreage covered by the Site Control materials can reasonably accommodate the development of the proposed Facility and is consistent with the acreage and other parameters for the Facility’s technology type set forth in the Table below.

Technology-specific Acreage Requirements Table	
Technology Type	Acres/MW
Solar	2.8 acres/MWdc for fixed tilt PV plants 4.2 acres/MWdc for tracking PV plants
Wind (Land Based)	15 acres/MWac
Offshore Wind	50 acres/MWac
Battery Energy Storage	0.01acre/MWhac
Other Technology types	Submit (1) an attestation which provides a detailed narrative explaining how the site can accommodate the Facility; and (2) a Site Plan and equipment layout (including any limitations on the site such as wetlands, unusable land, spacing, setbacks, etc., and other technology-specific requirements) signed and stamped by a licensed professional engineer

NYISO may update the parameters of this table and other site control requirements as needed.

Requirements for Projects that Do Not Meet the Minimum Acreage or are Technologies Not Specified in NYISO’s Minimum Acreage Requirements

If a project does not meet the acreage requirements for its technology type listed in the Table, or the acreage is not specified for the Project’s technology type, then the Interconnection Customer must submit the below documentation with its Interconnection Request.

- (1) an attestation which provides a detailed narrative explaining:
 - a. the special circumstances of the Project which permits a different acreage amount for Site Control than the requirements in the ISO Procedures; or

- b. the description of the Project's technology type and how the land can accommodate the Project and meet Site Control requirements; and
- (2) a Site Plan and equipment layout (including any limitations on the site such as wetlands, unusable land, spacing, setbacks, etc., and other technology-specific requirements) signed and stamped by a licensed professional engineer.⁸

Other Site Control Requirements

Interconnection Customers are not required to demonstrate Site Control for the Tie-Line or POI facilities, only for the Facility.

When submitting Site Control documents, an Interconnection Customer should ensure that the party's name listed on the documentation to demonstrate Site Control should match the name of the Interconnection Customer on record with the NYISO. In situations where the name differs, the Interconnection Customer is responsible for providing additional documentation explaining the corporate relationship such as, an SEC filing, document on file with the applicable secretary of state, other official corporate document, or a purchase sale agreement.

The Interconnection Customer cannot submit duplicate land rights for multiple Interconnection Requests, unless the site is large enough to host multiple Facilities.

For multi-unit Facilities on the same site and behind the same Point of Interconnection, the Interconnection Customers must demonstrate via one of the "Accepted Site Control Document Types" shared land use for all co-located Facilities that meet the Site Control definition.⁹

If the same Site Control is being used for Facilities under different Interconnection Requests, Interconnection Customers must also explain how all proposed Facilities will be situated within the area. An Interconnection Customer, or one of its affiliates, cannot propose mutually exclusive alternative Cluster Study projects with projects in the Interconnection Queue or projects proceeding in the same Application Window.¹⁰

An Interconnection Customer must demonstrate full Site Control at the time of its Interconnection Request submission. NYISO will reconfirm full Site Control with any project modifications, Commercial Operation Date extensions, and before execution of the Standard Interconnection Agreement.

Site Control Deposit for a Regulatory Limitation

Demonstration of full Site Control is required with the Interconnection Request unless the Interconnection Customer can demonstrate a "Regulatory Limitation" from a federal, state, local, or Tribal law (as defined in Section 40.1 of Attachment HH to the OATT and described in ISO's Procedures) which makes it infeasible to obtain site control prior to an Interconnection Customer's submission of its Interconnection Request. For example, a Regulatory Limitation could be a federal, state, local and/or Tribal law that requires a validated NYISO Interconnection Request before an Interconnection Customer may obtain necessary land rights to demonstrate Site Control. A Regulatory Limitation is not intended to include permitting or siting issues.

⁸ See Section 40.5.5.1.5 of Attachment HH to the OATT

⁹ See Section 40.5.5.6 of Attachment HH to the OATT

¹⁰ See Section 40.5.5.3 of Attachment HH to the OATT

If an Interconnection Customer has a valid Regulatory Limitation, the Interconnection Customer may submit a Site Control Deposit at the time of their Interconnection Request submission. To demonstrate a Regulatory Limitation, an Interconnection Customer must also submit the following with the Site Control Deposit:

- 1) a signed affidavit from an officer of the company indicating that Site Control is unobtainable due to Regulatory Limitations as the term is defined by the NYISO; and
- 2) documentation sufficiently describing and explaining the source and effects of such Regulatory Limitations, including a description of any condition that must be met to satisfy the Regulatory Limitations and the anticipated time by which the Interconnection Customer expects to satisfy the regulatory restrictions.¹¹

NYISO will determine whether the Interconnection Customer has demonstrated that a qualifying Regulatory Limitation exists during the Application Window. If the NYISO determines that there is a Regulatory Limitation, the NYISO will hold the Site Control Deposit until the Interconnection Customer provides the required Site Control demonstration for its project in the Cluster Study Process. The Interconnection Customer must demonstrate that it is taking identifiable steps to satisfy the necessary regulatory requirements from the applicable federal, state, local and/or Tribal entities prior to entering the Cluster Phase 2 Study. The Interconnection Customer must demonstrate full Site Control within 180 calendar days of the effective date of the Standard Interconnection Agreement (IA).¹²

The amount for the Site Control Deposit is set at \$10,000/MW subject to a minimum of \$500,000 and a maximum of \$2,000,000. The MW value used to calculate the Site Control Deposit amount will be based on the requested ERIS amount at the Point of Interconnection for the Cluster Study Project.¹³ The Site Control Deposit is refundable but cannot be applied toward study costs in the Cluster Study Process or Withdrawal Penalties.

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

¹¹ See Section 40.5.5.1.5.1 of Attachment HH to the OATT

¹² See Section 40.5.5.4 of Attachment HH to the OATT

¹³ See Section 40.5.5.1.5.1 of Attachment HH to the OATT