February 8, 2023

Thinh T. Nguyen

Sr. Manager Interconnection Projects

New York ISO

10 Krey Boulevard

Rensselaer NY

VIA EMAIL TO: Stakeholder\_Services\_IPsupport@nyiso.com

Dear Thinh:  
  
EDP Renewables requests that NYISO examine the following proposal as you consider reforms to the interconnection process.

EDP Renewables believes the NYISO Tariff should be modified to allow a unit that has successfully completed a Class Year and posted any necessary upgrade security up to 18 months to satisfy the regulatory milestone requirement. This is an increase from the 6 months currently in the Tariff.

We think this is reasonable since a project will need to get through both seasons of studies before it can submit to the relevant permitting authority. That will take up to 12 months. Another six months will allow for the production of the permit application, its submittal and having such application “deemed complete” by the permitting authority.

As you know, the NYISO Tariff contains a provision that requires the satisfaction of a “regulatory milestone” prior to entering a Class Year, or barring that, the payment of a two-part deposit (Attachment S, Section 25.6.2.3.1.). The two-part deposit consists of a $100,000 at-risk amount, as well as $3,000 per MW that is fully refundable. The $100,000 portion of the deposit is only refundable if the project meets its regulatory milestone within the later of (a) 12 months after the start of a Class Year or (b) the Operating Committee’s approval of the Class Year Study.

The Class Year typically has taken longer than a year. Therefore, it is the second provision that has been effective - the approval by the OC of the Class Year Study.

The “regulatory milestone” is described in Attachment S, Sections 25.6.2.3.1.1, 25.6.2.3.1.2 and 25.6.2.3.1.2. Those sections describe a completed application and permitting process “deemed complete”, either within New York State (Section 25.6.2.3.1.1), another jurisdiction outside New York (Section 25.6.2.3.1.2), and in a jurisdiction that may not have such siting rules (Section 25.6.2.3.1.3).

The two-part deposit allows the unit to enter the Class Year and be evaluated with other units. Upon completion of the Class Year, the unit will have six (6) months to satisfy the “regulatory milestone” or it will be deemed withdrawn.

The permitting and siting process in New York is long and cumbersome. Essentially, a unit must have this permit complete within six months of the time the Class Year is complete. In the experience of EDP Renewables, this timing presents a problem. Concerns about missing this deadline has multiple impacts:

1. The loss of the second part of the deposit
2. The loss of queue position by virtue of being withdrawn
3. The need to re-enter the interconnection process

These risks can be mitigated by extending the time period that a unit has to satisfy the “regulatory milestone” after the completion of the Class Year. EDP Renewables believes that 18 months would be a sufficient period.

Sincerely,  
  
John Brodbeck

EDP Renewables North America

Sr Manager Transmission