

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.1~~30.1~~ Definitions

Whenever used in these ~~Standard~~~~Large Facilities~~ Interconnection Procedures with initial capitalization, the following terms shall have the meanings specified in this Section ~~30~~40.1.

Terms used in these procedures with initial capitalization that are not defined in this Section

~~30~~40.1 shall have the meanings specified in Section 1 of the ISO OATT, [Section 22.1 of Attachment P to the ISO OATT](#), Section 25.1.2 of Attachment S of the ISO OATT, [Section 30.1 of Attachment Z to the ISO OATT](#), [Appendix 1 to Attachment Z to the ISO OATT](#), or in Article 2 of the ISO Services Tariff.

10 kW Inverter Process shall mean ~~the~~ the procedure for evaluating an Interconnection Request for a certified inverter-based ~~Small~~ Generating Facility no larger than 10 kW that uses the Section [\[40.23\]](#)~~32.2~~ screens. The application process uses an all-in-one document that includes a simplified Interconnection Request, simplified procedures, and a brief set of terms and conditions [as set forth in Appendix 1](#). ~~See SGIP Appendix 5.~~

Acceptance Notice ~~shall mean~~ the notice by which an [Interconnection Customer](#) ~~Developer~~ communicates to the ISO its decision to accept a Project Cost Allocation or Revised Project Cost Allocation.

Additional SDU Study shall mean a study that an [Interconnection Customer](#) ~~Developer~~ may elect to pursue if the Class Year Deliverability Study [or Cluster Study Deliverability Study](#) identifies the need for a new System Deliverability Upgrade (*i.e.*, a System Deliverability Upgrade not previously identified and cost allocated in a Class Year Study [or Cluster Study](#) and not substantially similar to a System Deliverability Upgrade previously identified and cost allocated in a [prior](#) Class Year Study [or Cluster Study](#)) that requires additional study.

Additional SDU Study Decision Period shall mean the period of time following the [Additional SDU Study during which an Interconnection Customer must elect whether to accept the Project Cost Allocation and pay cash or post Security for, as applicable, the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and/or System Deliverability Upgrades identified for its Project in accordance with the requirements in Section \[40.15\]](#).

Affected System shall mean an electric system [within the New York Control Area](#) other than the transmission system owned, controlled or operated by the Connecting Transmission Owner that may be affected by the proposed interconnection.

Affected System Interconnection Customer shall mean any entity that submits an interconnection request for a generating facility to a transmission system other than [New York](#)

Commented [A1]: NYISO Comment: Relocated OATT Att. X Section 30.1 to Attachment HH, with additional terms incorporated from OATT Att. S and Z and the FERC Pro Forma OATT Revisions

Commented [A2]: NYISO Comment: Inserted Att. Z defined term.

Commented [A3]: NYISO Comment: Inserted Att. S defined term.

Commented [A4]: NYISO Comment: Inserted FERC Order No. 2023 defined term.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~State Transmission Provider's~~ Transmission System that may cause the need for Affected System Network Upgrades on the New York State ~~Transmission Provider's~~ Transmission System.

Affected System Network Upgrades shall mean the additions, modifications, and upgrades to the New York State ~~Transmission Provider's~~ Transmission System required to accommodate Affected System Interconnection Customer's proposed interconnection to a transmission system other than the New York State ~~Transmission Provider's~~ Transmission System.

Commented [A5]: NYISO Comment: Inserted FERC Order No. 2023 pro forma definition, as revised by NYISO.

Affected System Operator shall mean the entity that operates an Affected System. Affected System Operator includes the Affected Transmission Owners.

Affected System Queue Position shall mean the ~~q~~Queue ~~p~~Position of an Affected System Interconnection Customer in the ISO's ~~Transmission Provider's interconnection q~~Queue in accordance with Section [40.8.3.3] of this Attachment HH ~~relative to Transmission Provider's Interconnection Customers' Queue Positions.~~

Commented [A6]: NYISO Comment: Inserted FERC Order No. 2023 pro forma definition, as revised by NYISO.

Affected System Study shall mean the ISO's evaluation of the impacts on the New York State Transmission System of Affected System Interconnection Customers' proposed interconnection(s) to another region's transmission system ~~other than Transmission Provider's Transmission System~~ and the ISO's identification of any required Affected System Network Upgrades that have an impact on Transmission Provider's Transmission System, as described in Section [40.8.3] to this Attachment HH ~~9 of this LGIP.~~

Commented [A7]: NYISO Comment: Inserted FERC Order No. 2023 pro forma definition as revised by NYISO.

Affected System Study Agreement shall mean the agreement contained in Appendix [6]9 to this Attachment HH ~~LGIP~~ that is made between the ISO ~~Transmission Provider~~ and Affected System Interconnection Customer to conduct an Affected System Study pursuant to Section [40.8.3]9 to this Attachment HH ~~of this LGIP.~~

Commented [A8]: NYISO Comment: Inserted FERC Order No. 2023 pro forma definition as revised by NYISO.

Affected System Study Report shall mean the report issued by the ISO following completion of an Affected System Study pursuant to Section [40.8.3.7] to this Attachment HH ~~9.6 of this LGIP.~~

Commented [A9]: NYISO Comment: Inserted FERC Order No. 2023 pro forma definition as revised by NYISO.

Affected Transmission Owner shall mean the New York public utility or authority (or its designated agent) other than the Connecting Transmission Owner that (i) owns facilities used for the transmission of Energy in interstate commerce and provides Transmission Service under the ISO OATT ~~Tariff~~, and (ii) owns, leases or otherwise possesses an interest in a portion of the New York State Transmission System where System Deliverability Upgrades, System Upgrade Facilities, Affected Network Upgrade Facilities, or Network Upgrade Facilities are or will be installed pursuant to Attachment HH or Attachment P, ~~Attachment X, Attachment Z, or Attachment S~~ to the ISO OATT.

Applicable Laws and Regulations shall mean all duly promulgated applicable federal, state and local laws, regulations, rules, ordinances, codes, decrees, judgments, directives, or judicial or administrative orders, permits and other duly authorized actions of any Governmental Authority, including but not limited to Environmental Law.

Applicable Reliability Councils shall mean the Electric Reliability Organization ~~NERC~~, the NPCC and the NYSRC.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Applicable Reliability Requirements: shall mean ~~the~~ the NYSRC Reliability Rules, and other criteria, standards and procedures, as described in Section ~~[40.12.1.2]~~ ~~25.6.1.1.1.1~~ of this Attachment ~~HH~~S, applied when conducting the ~~Annual Transmission Cluster~~ Baseline Assessment and the ~~Annual Transmission Reliability Cluster Project~~ Assessment ~~to determine the System Upgrade Facilities needed to maintain the reliability of the New York State Transmission System;~~ provided that no Party shall waive its right to challenge the applicability or validity of any requirement or guideline as applied to it in the context of the Standard Interconnection Procedures. The Applicable Reliability Requirements applied are those in effect when the particular assessment is commenced.

Applicable Reliability Standards shall mean the requirements and guidelines of the Applicable Reliability Councils, and the Transmission District, to which the Developer's Large Facility is directly interconnected, as those requirements and guidelines are amended and modified and in effect from time to time; provided that no Party shall waive its right to challenge the applicability or validity of any requirement or guideline as applied to it in the context of the Large Facility Interconnection Procedures.

Application Fee shall mean the non-refundable fee an Interconnection Customer must submit with its Interconnection Request or CRIS-Only Request pursuant to Section [40.5.5.1.3] to this Attachment HH.

Application Cluster Request Window shall mean the time period set forth in Section [40.5.3] to this Attachment HH ~~3.4.1~~ of this LGIP.

Commented [A10]: NYISO Comment: Inserted FERC Order No. 2023 pro forma definition as revised by NYISO,

Attachment Facilities shall mean the Connecting Transmission Owner's Attachment Facilities and the ~~Interconnection Customer's~~ ~~Developer's~~ Attachment Facilities. Collectively, Attachment Facilities include all facilities and equipment between the ~~Large~~ Generating Facility or ~~Cluster Study~~ ~~ass Year~~ Transmission Project and the Point of Interconnection, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the ~~Large~~ Facility to the New York State Transmission System ~~or Distribution System~~. Attachment Facilities are sole use facilities and shall not include Stand Alone System Upgrade Facilities, Distribution Upgrades, System Upgrade Facilities, or System Deliverability Upgrades.

Base Case shall mean the base case power flow, short circuit, and stability data bases used for the ~~Cluster Study~~ ~~Interconnection Studies~~ by the ISO, Connecting Transmission Owner or ~~Interconnection Customer~~ ~~Developer~~; described in Section [40.2.6] ~~30.2.3~~ of this Attachment HH ~~Large Facility Interconnection Procedures~~.

Breach shall mean the failure of a Party to perform or observe any material term or condition of the Standard Large Generator Interconnection Agreement.

Breaching Party shall mean a Party that is in Breach of the Standard Large Generator Interconnection Agreement.

Business Day shall mean Monday through Friday, excluding federal holidays.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Byway shall mean all transmission facilities comprising the New York State Transmission System that are neither Highways nor Other Interfaces. All transmission facilities in Zone J and Zone K are Byways.

Calendar Day shall mean any day including Saturday, Sunday or a federal holiday. If a deadline that is established in Calendar Days in this Attachment HH does not end on a Business Day, the deadline will be extended to the next Business Day.

Capacity Region shall mean one of four subsets of the Installed Capacity statewide markets comprised of: (1) Rest of State (*i.e.*, Load Zones A through F); (2) Lower Hudson Valley (*i.e.*, Load Zones G, H and I); (3) New York City (*i.e.*, Load Zone J); and (4) Long Island (*i.e.*, Load Zone K), ~~except for Class Year Studies conducted prior to Class Year 2012, for which “Capacity Region” shall be defined as set forth in Section 25.7.3 of Attachment S to the ISO OATT.~~

Capacity Resource Interconnection Service (“CRIS”) shall mean the service provided by the ISO to Interconnection Customers ~~Developers~~ that satisfy the NYISO Deliverability Interconnection Standard or that are otherwise eligible to receive CRIS in accordance with the requirements in this Attachment HHS to the ISO OATT; such service being one of the eligibility requirements for participation as an ISO Installed Capacity Supplier.

Class Year shall mean the group of Projects included in any particular Class Year Study (Annual Transmission Reliability Assessment and/or Class Year Deliverability Study), in accordance with the criteria specified in Attachments S, X, and ~~and in Attachment Z for including such Projects.~~ Class Year 2023 shall be the final Class Year that is subject to a Class Year Study.

Class Year Interconnection Facilities Study (“Class Year Study”) shall mean the last of the successive a interconnection studies conducted in the ISO’s Standard Large Facility Interconnection Procedures ~~conducted by the ISO or a third party consultant for the Developer to determine a list of facilities (including Connecting Transmission Owner’s Attachment Facilities, Distribution Upgrades, System Upgrade Facilities and System Deliverability Upgrades as identified in the Interconnection System Reliability Impact Study), the cost of those facilities, and the time required to for proposed interconnections of Small Generating Facilities (if applicable), the Large Generating Facilities, and/or Class Year Transmission Projects with the New York State Transmission System or with the Distribution System in accordance with.~~ The scope of the study is defined in Section 30.8 of the requirements in Standard Large Facility Interconnection Procedures in this Attachments S, X, and Z to the ISO OATT. The Class Year Study for Class Year 2023 shall be the final Class Year Study conducted by the ISO.

Cluster shall mean a group of one or more Projects with validated Interconnection Requests that are studied together for the purpose of conducting a Cluster Study.

Annual Transmission Cluster Baseline Assessment (“ATCBA”) shall mean an assessment, conducted by the ISO ~~staff~~ in cooperation with Market Participants, to identify the System Upgrade Facilities and Distribution Upgrades that Transmission Owners are expected to need during the time period covered by the ~~A~~ assessment to comply with Applicable Reliability Requirements; and to reliably meet the load growth and changes in load pattern projected for the

Commented [A11]: NYISO Comment: Inserted FERC Order No. 2023 pro forma definition as revised by NYISO,

Commented [A12]: NYISO Comment: Inserted Att. S term Annual Transmission Baseline Assessment as revised by NYISO.

*IITF February 16, 2024 Working Draft
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New York Control Area. For purposes of applying the requirements in this Attachment HH, the term Cluster Baseline Assessment include the Annual Transmission Baseline Assessment when the term refers to the assessment performed for a Class Year Study.

Annual Transmission Reliability Cluster Project Assessment (“ATRCPA”): shall mean An assessment, conducted by the ISO ~~staff~~ in cooperation with Market Participants, to determine the System Upgrade Facilities required for each Project included in this ~~A~~ assessment to interconnect to the New York State Transmission System or Distribution System in compliance with Applicable Reliability Requirements and the NYISO Minimum Interconnection Standard. For purposes of applying the requirements in this Attachment HH, the term Cluster Project Assessment include the Annual Transmission Reliability Assessment when the term refers to the assessment performed for a Class Year Study.

Class Year Interconnection Facilities Study (“Class Year Cluster Study”): shall mean thea study conducted, as applicable, by the ISO, Connecting Transmission Owner, Affected Transmission Owner, Affected System Operator or a third party consultant for the Interconnection CustomerDeveloper to determine a list of facilities (including Connecting Transmission Owner’s Attachment Facilities, Distribution Upgrades, System Upgrade Facilities and System Deliverability Upgrades ~~as identified in the Interconnection System Reliability Impact Study~~), the cost of those facilities, and the time required to interconnect the ~~Large~~ Generating Facility or Cluster Study Class Year Transmission Project with the New York State Transmission System or with the Distribution System. The Cluster Study includes the Phase 1 Study and the Phase 2 Study. The scope of the study is defined in Section 30.8 of the Large Facility Interconnection Procedures in Attachment X to the ISO OATT.

Cluster Study Agreement shall mean the form of agreement contained in Appendix [3]2 to this Attachment HH ~~LGP~~ for conducting the Cluster Study.

Commented [A13]: NYISO Comment: Order No. 2023 definition, as revised.

Cluster Study Class Year CRIS Project: shall mean aA Cluster Study Class Year Project with an executed ~~Class Year Interconnection Facilities~~ Cluster Study Agreement entering a Cluster Class Year Study for a CRIS evaluation, that thereby becomes one of the group of Cluster Study Class Year Projects included in the Cluster Study Class Year Deliverability Study. A Cluster Study Class Year CRIS Project may be a “CRIS-~~o~~Only” Cluster Study Project that is entering a Cluster Class Year Study only for a CRIS evaluation, or it may be a Project seeking both ERIS and CRIS.

Cluster Study Class Year Deliverability Study: shall mean Aa assessment, conducted by the ISO ~~staff~~ in cooperation with Market Participants, to determine whether System Deliverability Upgrades are required for Cluster Study Class Year CRIS Projects under the NYISO Deliverability Interconnection Standard.

Cluster Study Class Year Project: shall mean a project with a validated Interconnection Request or CRIS-Only Request ~~An Eligible Class Year Project with an executed Class Year Interconnection Facilities Study Agreement~~ that thereby becomes one of the group of Projects included in ~~theany~~ particular Cluster for that Cluster Study Process Class Year Interconnection Facilities Study (Annual Transmission Reliability Assessment and/or Class Year Deliverability

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Study), in accordance with the criteria specified in this Attachment S and in Attachment Z for including such Projects.

Cluster Study Project List shall mean the list of Cluster Study Projects with validated Interconnection Requests or CRIS-Only Requests that the ISO posts during the Customer Engagement Window in accordance with the requirements in Section [40.7.2].

Cluster Study Process shall mean the following processes, conducted in sequence: the Application Window ~~Cluster Request Window~~; the Customer Engagement Window (including ~~and the Physical Infeasibility Screening and Scoping Meetings therein~~); the Phase 1 ~~Cluster Study~~; the Phase 2 Study; and, if applicable, the Additional SDU Study ~~any needed Cluster Restudies; and the Interconnection Facilities Study~~.

Commented [A14]: NYISO Comment: Inserted FERC Order 2023 pro forma term as revised by NYISO.

Cluster Study Process Start Date shall mean the date upon which the ISO will open the Application Window for a given Cluster Study Process, which date shall be determined pursuant to Section [40.5.1] of this Attachment HH.

Cluster Study ~~Class Year~~ Transmission Project shall mean an Interconnection Customer ~~Developer~~'s proposed new transmission facility that will interconnect to the New York State Transmission System or a proposed upgrade—an improvement to, addition to, or replacement of a part of an existing transmission facility—to the New York State Transmission System, for which (1) the Interconnection Customer ~~Developer~~ is eligible to request and does request Capacity Resource Interconnection Service, subject to the eligibility requirements set forth in the ISO Procedures; or (2) the Interconnection Customer ~~Developer~~ requests only Energy Resource Interconnection Service and the transmission facility for which it requests Energy Resource Interconnection Service is a transmission facility over which power flow can be directly controlled by power flow control devices directly connected to the Cluster Study ~~Class Year~~ Transmission Project without having to re-dispatch generation. ~~Cluster Study Class Year~~ Transmission Projects shall not include Attachment Facilities, Distribution Upgrades, Network Upgrade Facilities, System Upgrade Facilities, or System Deliverability Upgrades. The term Cluster Study Transmission Project shall include those transmission projects that were classified as a Class Year Transmission Project in the ISO's Standard Large Facility Interconnection Procedures and satisfied the requirements to complete a Class Year Study for purposes of applying the post-interconnection study requirements applicable to a Cluster Study Transmission Project in this Attachment HH, except as otherwise indicated in this Attachment HH.

Cluster Study Report shall mean the report issued following completion of the Phase 2 Study ~~a Cluster Study~~ pursuant to Section [*] to this Attachment HH ~~7 of this LGIP~~.

Commented [A15]: NYISO Comment: Inserted FERC Order No. 2023 Pro Forma Term.

Clustering shall mean the process whereby the impact to the New York State Transmission System of a group of Affected System Interconnection Customers which projects are interconnecting to another region ~~are Interconnection Requests~~ is studied together, instead of serially, for the purpose of conducting the Affected System ~~Interconnection System Reliability Impact Study~~.

*IITF February 16, 2024 Working Draft
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Commercial Operation shall mean the status of a ~~Large~~ Facility that has commenced generating or transmitting electricity for sale, excluding electricity generated or transmitted during Trial Operation.

Commercial Operation Date of a ~~Large~~ Facility shall mean the date on which the ~~Large~~ Facility commences Commercial Operation, notice of which must be provided by the Interconnection Customer to the ISO and Connecting Transmission Owner in the form provided in ~~as agreed to by the Parties pursuant to~~ Appendix E-2 to the Standard ~~Large Generator~~ Interconnection Agreement.

Commercial Operation Incentive Payment Amount shall mean the amount a Payment Eligible Project is eligible to receive from the Withdrawal Penalty Fund collected for a particular Cluster Study Process if it enters Commercial Operation pursuant to Section [40.6.5.2.5].

Confidential Information shall mean any information that is defined as confidential by Section [40.24.1] to this Attachment HH. ~~30.13.1 of the Large Facility Interconnection Procedures.~~

Connecting Transmission Owner shall mean the New York public utility or authority (or its designated agent) that (i) owns facilities used for the transmission of Energy in interstate commerce and provides Transmission Service under the ~~ISO OATT~~ Tariff, (ii) owns, leases or otherwise possesses an interest in the portion of the New York State Transmission System or Distribution System at the Point of Interconnection, and (iii) is a Party to the Standard ~~Large Generator~~ Interconnection Agreement.

Connecting Transmission Owner's Attachment Facilities shall mean all facilities and equipment owned, controlled or operated by the Connecting Transmission Owner from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard ~~Large Generator~~ Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Connecting Transmission Owner's Attachment Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone System Upgrade Facilities, or System Upgrade Facilities. For purposes of applying the requirements in this Attachment HH, Connecting Transmission Owner's Attachment Facilities shall include facilities that were categorized as Connecting Transmission Owner's Interconnection Facilities under the ISO's Small Generator Interconnection Procedures.

Contingent Facilities shall mean those Attachment Facilities, Distribution Upgrades, ~~and~~ System Upgrade Facilities, and/or System Deliverability Upgrades associated with Cluster Study ~~Class Year~~ Projects upon which the ~~Large~~ Facility's Cluster Study ~~Class Year~~ Project Cost Allocations are dependent, and if delayed or not built, could impact the actual costs and timing of the ~~Large~~ Facility's Project Cost Allocation for System Upgrade Facilities or System Deliverability Upgrades.

Contingent Project shall mean an Interconnection Request or CRIS-Only Request that an Interconnection Customer submits during the Application Window of the Cluster Study Process pursuant to Section [40.5.4.1] for a Project that is simultaneously participating in the prior, ongoing Class Year Study, Cluster Study Process, Additional SDU Study, or Small Generator facilities study.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Contribution Percentage shall mean ~~the~~ the ratio of a Project's measured impact or pro rata contribution to a System Upgrade Facility or Distribution Upgrade identified in the Cluster Project Annual Transmission Reliability Assessment, to the sum of the measured impacts or pro rata contributions of all the Projects in the same Cluster Study Class Year that have at least a de minimus impact or contribution to the System Upgrade Facility or Distribution Upgrade.

Commented [A16]: NYISO Comment: Inserted from OATT Att. S.

Cost Estimate Update shall have the meaning set forth in Section [40.6.3.5.3.2].

CRIS-Only Cluster Study Project shall mean a project that is participating in a Cluster Study Process solely to obtain CRIS or an increase in CRIS. For purposes of applying the requirements in this Attachment HH, the term CRIS-Only Cluster Study Project when used in connection with the Class Year Interconnection Facilities Study requirements in Attachment X and S of the OATT shall mean a Class Year Project that participated in a Class Year solely to request CRIS or an increase in CRIS.

CRIS-Only Request shall mean Interconnection Customer's request, in the form of Appendix [2] to this Attachment HH, to solely obtain CRIS or an increase in CRIS. For purposes of applying the requirements in this Attachment HH, the term CRIS-Only Request when used in connection with the Class Year Interconnection Facilities Study requirements in Attachment X and S of the OATT shall mean a Class Year Project's request to participate in a Class Year solely to request CRIS or an increase in CRIS.

CTOAF and SUF Project Cost Allocation shall have the meaning set forth in Section [40.15.1] to this Attachment HH.

Customer Engagement Window shall mean the time period set forth in Section [40.7.1] ~~3.4.5~~ of this Attachment HH ~~LGP~~.

Commented [A17]: NYISO Comment: FERC Order No. 2023 term, as revised by NYISO.

Default shall mean the failure of a Party in Breach of the Standard Large Generator Interconnection Agreement to cure such Breach in accordance with Article 17 of the Standard Large Generator Interconnection Agreement.

Deliverable MW shall have the meaning set forth in Section [40.15.1] to this Attachment HH.

Dispute Resolution shall mean the procedure described in Section [40.24.5] to this Attachment HH ~~30.13.5 of the Large Facility Interconnection Procedures~~ for resolution of a dispute between the Parties.

Distribution System shall mean the Transmission Owner's facilities and equipment used to distribute electricity that are subject to FERC jurisdiction, and are subject to the ISO's Standard Large Facility Interconnection Procedures in this Attachment HH ~~X or Small Generator Interconnection Procedures in Attachment Z to the ISO OATT~~ under FERC Order Nos. 2003 and/or 2006. The term Distribution System shall not include LIPA's distribution facilities.

Distribution Upgrades shall mean the modifications or additions to the existing Distribution System at or beyond the Point of Interconnection that are required for the proposed Project to connect reliably to the system in a manner that meets the NYISO Minimum Interconnection

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Standard. Distribution Upgrades do not include Attachment Facilities, System Upgrade Facilities, or System Deliverability Upgrades.

Effective Date shall mean the date on which the Standard ~~Large Generator~~ Interconnection Agreement, Standard Upgrade Construction Agreement, or Multiparty Standard Upgrade Construction Agreement becomes effective upon execution by the Parties, subject to acceptance by the Commission, or if filed unexecuted, upon the date specified by the Commission.

Electric Reliability Organization (“ERO”) shall mean the North American Electric Reliability Corporation or its successor organization.

Commented [A18]: NYISO Comment: Inserted FERC Order 2023 Pro Forma term.

~~**Eligible Class Year Project:** Any Developer or Interconnection Customer that (1) satisfies the criteria for inclusion in the next Class Year Study, as those criteria are specified in Sections 25.5.9 and 25.6.2.3.1 of Attachment S to the OATT, Section 32.1.1.7 of Attachment Z to the OATT and/or Section 32.3.5.3.2 of Attachment Z to the OATT; or (2) that seeks evaluation in a Class Year Study to obtain or increase CRIS as permitted by Attachment S to the ISO OATT and satisfies the criteria for inclusion in the next Class Year Study specified in Section 25.5.9 of Attachment S to the OATT.~~

Energy Resource Interconnection Service (“ERIS”) shall mean the service provided by the ISO to interconnect the Interconnection Customer’s ~~Developer’s Large Generating~~ Facility or Cluster Study ~~ass Year~~ Transmission Project to the New York State Transmission System or to the Distribution System, in accordance with the NYISO Minimum Interconnection Standard, to enable the New York State Transmission System to receive Energy and Ancillary Services from the ~~Large~~ Generating Facility or Cluster Study ~~ass Year~~ Transmission Project, pursuant to the terms of the ISO OATT.

Engineering & Procurement (E&P) Agreement shall mean an agreement that authorizes Connecting Transmission Owner to begin engineering and procurement of long lead-time items necessary for the establishment of the interconnection in order to advance the implementation of the Interconnection Request.

Environmental Law shall mean Applicable Laws or Regulations relating to pollution or protection of the environment or natural resources.

~~**ERONERC Planning Standards** shall mean:~~ ~~The~~ the transmission system planning standards of the Electric Reliability Organization ~~North American Electric Reliability Council.~~

Commented [A19]: NYISO Comment: Inserted Att. S defined term, as revised.

~~**Existing System Representation** shall mean:~~ ~~The~~ the representation of the New York State Power System developed as specified in Section [40.10.3] ~~25.5.5~~ of this Attachment HH ~~S~~.

Commented [A20]: NYISO Comment: Inserted OATT Att. S term.

~~**Expedited Deliverability Study** shall mean:~~ ~~A~~ a study conducted by the ISO or a third party consultant to determine the extent to which an existing or proposed facility satisfies the NYISO Deliverability Interconnection Standard at its requested CRIS level without the need for System Deliverability Upgrades. The schedule and scope of the study is defined in Sections [40.19.1] ~~25.5.9.2.1~~ and [40.13.1.2] ~~25.7.1.2~~ of this Attachment HH ~~S~~.

Commented [A21]: NYISO Comment: Inserted OATT Att. S term.

IITF February 16, 2024 Working Draft
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External Affected System shall mean an electric system outside of the New York Control Area that may be affected by the proposed interconnection.

External Affected System Operator shall mean the entity that operates an External Affected System.

External CRIS Rights shall mean a determination of deliverability within the Rest of State Capacity Region (i.e., Load Zones A-F), awarded by the ISO for a term of five (5) years or longer, to a specified number of Megawatts of External Installed Capacity that satisfy the requirements set forth in Section [40.13.11] to Attachment HH ~~25.7.11 of Attachment S to the ISO OATT~~, and that can be certified in a Bilateral Transaction used for the NYCA and not a Locality, or sold into the NYCA for an Installed Capacity auction and not in an Installed Capacity auction for a Locality.

Commented [A22]: NYISO Comment: Inserted Att. S defined term.

External-to-ROS Deliverability Rights shall have the meaning set forth in Section 2.5 of the ISO Services Tariff.

Commented [A23]: NYISO Comment: Inserted Att. S term

Large-Facility shall mean either a ~~Large~~-Generating Facility or a ~~Cluster Study~~ **Class-Year** Transmission Project.

Facility Modification Request shall mean an Interconnection Customer's request to modify its Facility in the form of Appendix [5] to this Attachment HH.

Fast Track Process shall mean the procedure for evaluating an Interconnection Request for a certified ~~Small~~-Generating Facility that is 20 MW or smaller and that meets the eligibility requirements of Section [40.23.1] ~~32.2.1~~ of the Attachment HH ~~SGP~~ and includes the Section [40.23] ~~32.2~~ screens, customer options meeting, and optional supplemental review.

Commented [A24]: NYISO Comment: Inserted Att. Z defined term.

Final Decision Period shall mean the period of time following the conclusion of the Phase 2 Study during which an Interconnection Customer must elect whether to accept its Project Cost Allocation and provide the related cash or post Security for, as applicable, the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and/or System Deliverability Upgrades identified for its Project in accordance with the requirements in Section [40.15].

Final Decision Round shall mean the final round of ISO-communicated cost estimates and Interconnection Customer ~~Developer~~ responses in, as applicable, the Final Decision Period or Additional SDU Study Decision Period for a ~~Class-Year Interconnection Facilities Study~~, in which all remaining eligible Interconnection Customers ~~Developers~~ issue an Acceptance Notice and provide cash or post Security.

Commented [A25]: NYISO Comment: Inserted Att. S defined term.

Force Majeure shall mean any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, any order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or any other cause beyond a Party's control. A Force Majeure event does not include acts of negligence or intentional wrongdoing by the Party claiming Force Majeure.

*IITF February 16, 2024 Working Draft
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Generating Facility shall mean Interconnection Customer Developer's device(s) for the production and/or storage for later injection of electricity identified in the Interconnection Request, but shall not include: the Interconnection Customer Developer's Attachment Facilities or Distribution Upgrades. A facility comprised of multiple Generators will be treated as a single Generating Facility if the facility proposed in the Interconnection Request is comprised of multiple Generators behind a single Point of Interconnection, even if such Generators are different technology types.

Generating Facility Capacity shall mean the net seasonal capacity of the Generating Facility or the aggregate net seasonal capacity of the Generating Facility more than one device for a production and/or storage for later injection ~~where it includes multiple energy production devices.~~

Commented [A26]: NYISO Comment: Updated per FERC Order No. 2023 revised definition.

Good Utility Practice ~~shall mean~~ Any of the practices, methods and acts engaged in or approved by a significant portion of the electric industry during the relevant time period, or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision was made, could have been expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method, or act to the exclusion of all others, but rather to be acceptable practices, methods, or acts generally accepted in the region.

Commented [A27]: NYISO Comment: Inserted from OATT Att. Z; consistent with FERC pro forma definition.

Governmental Authority shall mean any federal, state, local or other governmental regulatory or administrative agency, court, commission, department, board, or other governmental subdivision, legislature, rulemaking board, tribunal, or other governmental authority having jurisdiction over any of the Parties, their respective facilities, or the respective services they provide, and exercising or entitled to exercise any administrative, executive, police, or taxing authority or power; provided, however, that such term does not include Interconnection Customer Developer, the ISO, Affected System Operator, Affected Transmission Owner, Connecting Transmission Owner, or any Affiliate thereof.

Hazardous Substances shall mean any chemicals, materials or substances defined as or included in the definition of "hazardous substances," "hazardous wastes," "hazardous materials," "hazardous constituents," "restricted hazardous materials," "extremely hazardous substances," "toxic substances," "radioactive substances," "contaminants," "pollutants," "toxic pollutants" or words of similar meaning and regulatory effect under any applicable Environmental Law, or any other chemical, material or substance, exposure to which is prohibited, limited or regulated by any applicable Environmental Law.

Headroom: shall mean ~~The~~ functional or electrical capacity of the System Upgrade Facility or the electrical capacity of the System Deliverability Upgrade that is in excess of the functional or electrical capacity actually used by the Interconnection Customer Developer's Project.

Commented [A28]: NYISO Comment: Inserted Att. S term.

Heatmap shall mean the ISO's publicly posted interactive visual representation of estimated incremental injection capacity available at each point of interconnection and related table of metrics in accordance with the requirements in Section [40.4.1].

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Highway shall mean 115 kV and higher transmission facilities that comprise the following NYCA interfaces: Dysinger East, West Central, Volney East, Moses South, Central East/Total East, and UPNY-ConEd, and their immediately connected, in series, Bulk Power System facilities in New York State. Each interface shall be evaluated to determine additional “in series” facilities, defined as any transmission facility higher than 115 kV that (a) is located in an upstream or downstream zone adjacent to the interface and (b) has a power transfer distribution factor (DFAX) equal to or greater than five percent when the aggregate of generation in zones or systems adjacent to the upstream zone or zones which define the interface is shifted to the aggregate of generation in zones or systems adjacent to the downstream zone or zones which define the interface. In determining “in series” facilities for Dysinger East and West Central interfaces, the 115 kV and 230 kV tie lines between NYCA and PJM located in LBMP Zones A and B shall not participate in the transfer. Highway transmission facilities are listed in ISO Procedures.

Initial Decision Round ~~Period~~ shall mean ~~the 30 calendar day period of, as applicable, the Final Decision Period or Additional SDU Study Decision Period within which an~~ Interconnection Customer ~~Developer~~ must provide an Acceptance Notice or Non-Acceptance Notice to the ISO in response to the first Project Cost Allocation issued by the ISO to the Interconnection Customer ~~Developer~~.

Commented [A29]: NYISO Comment: Inserted Att. S defined term.

~~Initial Synchronization Date shall mean the date upon which the Large-Generating Facility or Class Year Transmission Project is initially synchronized and upon which Trial Operation begins.~~

Commented [A30]: NYISO Comment: Relocated below as “Synchronization Date”.

~~In~~ **Initial Feedback-Service Date** shall mean the date upon which the Interconnection Customer ~~Developer~~ reasonably expects it will be ready to begin use of the Connecting Transmission Owner’s Attachment Facilities to obtain back feed power. Initial Feedback Date shall include the term In-Service Date as that term is used in Attachments S, X, and Z to the ISO OATT.

Interconnection Customer shall mean any entity, including the Connecting Transmission Owner or any of its affiliates or subsidiaries, that submits an Interconnection Request or CRIS-Only Request that is subject to the application of the Standard Interconnection Procedures as set forth in Section [40.2.3] of this Attachment HH or elects to enter an Expedited Deliverability Study. For purposes of applying the requirements in this Attachment HH, an Interconnection Customer shall include an entity that was categorized as a Developer under the ISO’s Standard Large Facility Interconnection Procedures.

Interconnection Customer ~~Developer’s Attachment Facilities~~ shall mean all facilities and equipment, as identified in Appendix A of the ~~Standard Large Generator~~ Interconnection Agreement, that are located between the ~~Large-Generating Facility or Cluster Study Class Year~~ Transmission Project and the Point of Change of Ownership, including any modification, addition, or upgrades to such facilities and equipment necessary to physically and electrically interconnect the ~~Large-Generating Facility or Cluster Study Class Year~~ Transmission Project to the New York State Transmission System or Distribution System. Interconnection Customer ~~Developer’s Attachment Facilities~~ are sole use facilities. For purposes of applying the requirements in this Attachment HH, Interconnection Customer’s Attachment Facilities shall

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

include facilities that were categorized as Developer's Attachment Facilities under the ISO's Standard Large Facility Interconnection Procedures or Interconnection Customer's Interconnection Facilities under the ISO's Small Generator Interconnection Procedures.

Interconnection Request shall mean Interconnection Customer~~Developer~~'s request, in the form of Appendix 1 to this Attachment HH, ~~the Standard Large Facility Interconnection Procedures, in accordance with the Tariff,~~ to interconnect a new ~~Large~~ Generating Facility or Cluster Study~~Class Year~~ Transmission Project to the New York State Transmission System or to the Distribution System, or to materially increase the capacity of, or make a material modification to the operating characteristics of, an existing ~~Large~~ Generating Facility, ~~or Cluster Study Transmission Project, or~~ Class Year Transmission Project that is interconnected with the New York State Transmission System or with the Distribution System. For purposes of the Interconnection Request, a facility comprised of multiple Generators behind the same Point of Interconnection may be considered a single ~~Large~~ Generating Facility, provided the Interconnection Request identifies a single Interconnection Customer~~Developer~~. An Interconnection Request submitted pursuant to the ISO's Standard Large Facility Interconnection Procedures in Attachment X to the ISO OATT or the ISO's Small Generator Interconnection Procedures in Attachment Z to the ISO OATT shall be subject to the transition requirements set forth in Section [40.3.1] to this Attachment HH.

~~**Interconnection Study** shall mean any of the following studies: the Optional Interconnection Feasibility Study, the Interconnection System Reliability Impact Study, and the Class Year Study described in the Standard Large Facility Interconnection Procedures.~~

~~**Interconnection System Reliability Impact Study ("SRIS")** shall mean an engineering study that evaluates the impact of the proposed Large Generation Facility or Class Year Transmission Project on the safety and reliability of the New York State Transmission System and, if applicable, an Affected System, to determine what Attachment Facilities, Distribution Upgrades and System Upgrade Facilities are needed for the proposed Large Generation Facility or Class Year Transmission Project of the Developer to connect reliably to the New York State Transmission System or to the Distribution System in a manner that meets the NYISO Minimum Interconnection Standard. The scope of the SRIS is defined in Section 30.7.3 of the Large Facility Interconnection Procedures in this Attachment X.~~

IRS shall mean the Internal Revenue Service.

~~**Large Facility** shall mean either a Large Generating Facility or a Class Year Transmission Project.~~

~~**Large Generating Facility** shall mean a Generating Facility having a Generating Facility Capacity of more than 20 MW for the production and/or storage for later injection of electricity identified in the Interconnection Request if proposing to interconnect to the New York State Transmission System or Distribution System, but shall not include (i) facilities proposing to simply receive power from the New York State Transmission System or the Distribution System; (ii) facilities proposing to interconnect to the New York State Transmission System or the Distribution System made solely for the purpose of generation with no wholesale sale for resale nor to net metering; (iii) facilities proposing to the New York State Transmission System or the~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~Distribution System made solely for the purpose of net metering; (iv) facilities proposing to interconnect to LIPA's distribution facilities; and (v) the Interconnection Customer's Interconnection Facilities. A facility comprised of multiple Generators will be treated as a single Large Generating Facility if the facility proposed in the Interconnection Request is comprised of multiple Generators behind a single Point of Interconnection, even if such Generators are different technology types.~~

Local System Upgrade Facilities shall mean the System Upgrade Facilities necessary to physically interconnect a proposed Project to the Connecting Transmission Owner's transmission system, consistent with applicable interconnection and system protection design standards. Local System Upgrade Facilities include any electrical facilities required to make the physical connection (e.g., a new ring bus for a line connection or facilities required to create a new bay for a substation connection). Local System Upgrade Facilities also include any system protection or communication facilities that may be required for protection of the Connecting Transmission Owner's transmission facility (line or substation) involved in the interconnection. Local System Upgrade Facilities do not include System Upgrade Facilities required to mitigate any adverse reliability impact(s) of the Project(s) identified through analysis such as power flow, short circuit, or stability (e.g., replacement of a circuit breaker at a nearby substation that becomes overdutied as a result of the Project(s)).

Material Modification shall mean those modifications that have a material adverse impact on the cost or timing of any Interconnection Request with an equal or later Queue Position ~~later queue priority date~~.

Merchant Transmission Facility shall mean an Interconnection Customer ~~Developer's~~ proposed new transmission facility that will interconnect to the New York State Transmission System or a proposed upgrade—an improvement to, addition to, or replacement of a part of an existing transmission facility—to the New York State Transmission System, for which the costs of construction will be recovered through negotiated rates instead of cost-based rates and not subject to the competitive evaluation and selection process for purposes of cost allocation under Attachment Y to the ISO OATT. Merchant Transmission Facilities shall not include Attachment Facilities, Distribution Upgrades, Network Upgrade Facilities, System Upgrade Facilities, or System Deliverability Upgrades.

Metering Equipment shall mean all metering equipment installed or to be installed at the Generating Facility ~~Large Generating~~ or Cluster Study ~~ass-Year~~ Transmission Project pursuant to the Standard ~~Large Generator~~ Interconnection Agreement at the metering points, including but not limited to instrument transformers, MWh-meters, data acquisition equipment, transducers, remote terminal unit, communications equipment, phone lines, and fiber optics.

Minor Modification shall mean, — for purposes of the Fast Track Process requirements, ~~Minor~~ modifications that will not have a material adverse impact on the cost or timing of any Interconnection Request.

Multiparty Affected System Study Agreement shall mean the agreement contained in Appendix 17 ~~10~~ to this Attachment HHL-GIP that is made among the ISO ~~Transmission Provider~~

Commented [A31]: NYISO Comment: Incorporated term from OATT Att. Z for Fast Track Process rules.

Commented [A32]: NYISO Comment: Incorporated from FERC Order 2023 Pro Forma.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

and multiple Affected System Interconnection Customers to conduct an Affected System Study pursuant to Section ~~[40.8.3]9~~ of this ~~Attachment HH~~ **LGP**.

Non-Acceptance Notice ~~shall mean:~~ ~~T~~the notice by which an **Interconnection Customer** ~~Developer~~ communicates to the ISO its decision not to accept a Project Cost Allocation or Revised Project Cost Allocation.

Commented [A33]: NYISO Comment: Incorporated from OATT Att. S.

Notice of Dispute shall mean a written notice of a dispute or claim that arises out of or in connection with the Standard ~~Large Facility~~ Interconnection Procedures, ~~or the Standard Large Generator~~ Interconnection Agreement, the Standard Upgrade Construction Agreement, or the Multiparty Standard Upgrade Construction Agreement, or its performance.

NPCC shall mean the Northeast Power Coordinating Council or its successor organization.

NPCC Basic Design and Operating Criteria ~~shall mean:~~ ~~T~~the transmission system design and operating criteria of the Northeast Power Coordinating Council.

Commented [A34]: NYISO Comment: Incorporated from OATT Att. S.

~~NYISO shall mean the New York Independent System Operator, Inc.~~

NYISO Deliverability Interconnection Standard ~~shall mean:~~ ~~T~~the standard that must be met, unless otherwise provided in this Attachment HH ~~for by Attachment S to the ISO OATT~~, by (i) any generation facility larger than 2MW in order for that facility to obtain CRIS; (ii) ~~any Cluster Study~~ ~~ass-Year~~ Transmission Project; (iii) any entity requesting External CRIS Rights, and (iv) any entity requesting a CRIS transfer pursuant to Section ~~[40.18.4] to Attachment HH~~ **25.9.5 of Attachment S to the ISO OATT**. To meet the NYISO Deliverability Interconnection Standard, the Interconnection Customer must, in accordance with the rules in this Attachment HH ~~Attachment S to the ISO OATT~~, fund or commit to fund any System Deliverability Upgrades identified for its Project in the ~~Cluster Study~~ ~~ass-Year~~ Deliverability Study.

NYISO Load and Capacity Data Report ~~shall mean:~~ ~~T~~the annual ISO survey of power demand and supply in New York State, published pursuant to Section 6-106 of the Energy Law of New York State.

Commented [A35]: NYISO Comment: Incorporated Att. S defined term.

NYISO Minimum Interconnection Standard ~~shall mean:~~ ~~T~~the reliability standard that must be met by any Generating Facility ~~generation facility~~ or Cluster Study ~~Class-Year~~ Transmission Project that is subject to the Standard ~~ISO's Large Facility~~ Interconnection Procedures ~~in this Attachment X to the ISO OATT or the ISO's Small Generator Interconnection Procedures in Attachment Z~~, that is proposing to connect to the New York State Transmission System or to the Distribution System, to obtain ERIS. The ~~S~~ standard is designed to ensure reliable access by the proposed Project to the New York State Transmission System or to the Distribution System, as applicable. The ~~S~~ standard does not impose any deliverability test or deliverability requirement on the proposed interconnection.

NYSRC Reliability Rules ~~shall mean:~~ ~~T~~the reliability rules of the New York State Reliability Council.

Commented [A36]: NYISO Comment: Incorporated Att. S defined term.

~~**Open-Class Year** shall mean the Class Year open for new members pursuant to the Class Start Date deadline specified in Section 25.5.9 of Attachment S.~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~Optional Interconnection Feasibility Study~~ shall mean a preliminary evaluation of the system impact and cost of interconnecting the Large Generating Facility or Class Year Transmission Project to the New York State Transmission System or to the Distribution System, the scope of which is described in Section 30.6 of the Standard Large Facility Interconnection Procedures.

~~Optional Interconnection System Reliability Impact Study~~ shall mean a sensitivity analysis based on assumptions specified by the Developer in the Optional Interconnection System Reliability Impact Study scope.

Other Interfaces shall mean the following interfaces into Capacity Regions: Lower Hudson Valley [*i.e.*, Rest of State (Load Zones A-F) to Lower Hudson Valley (Load Zones G, H and I)]; New York City [*i.e.*, Lower Hudson Valley (Load Zones G, H and I) to New York City (Load Zone J)]; and Long Island [*i.e.*, Lower Hudson Valley (Load Zones G, H and I) to Long Island (Load Zone K)], and the following Interfaces between the NYCA and adjacent Control Areas: PJM to NYISO, ISO-NE to NYISO, Hydro-Quebec to NYISO, and Norwalk Harbor (Connecticut) to Northport (Long Island) Cable.

Overage Cost: ~~shall mean~~ the dollar amount by which the total cost of System Upgrade Facilities or Distribution Upgrades identified in the Cluster Project Annual Transmission Reliability Assessment exceeds the total cost of System Upgrade Facilities considered in the Cluster Annual Transmission Baseline Assessment for the same Cluster for a given Cluster Study Class Year.

Commented [A37]: NYISO Comment: Incorporated Att. S defined term.

Overage Cost Percentage: ~~shall mean~~ the ratio of the Overage Cost to the total cost of System Upgrade Facilities or Distribution Upgrades identified in the Cluster Project Annual Transmission Reliability Assessment.

Commented [A38]: NYISO Comment: Incorporated Att. S defined term.

Party or Parties shall mean, as applicable, the NYISO, Connecting Transmission Owner, or Interconnection Customer, Affected System Interconnection Customer, Connecting Transmission Owner, Affected System Operator, Affected Transmission Owner, Developer or any combination of the above.

Payment Eligible Project shall mean a Cluster Study Project eligible to recover certain study costs from the Withdrawal Penalty Funds collected by the ISO for that Cluster Study Process as defined in Section [40.6.5.2.2].

Pending Project shall have the meaning set forth in Section [40.5.3.1] to this Attachment HH.

Permissible Technological Advancement shall mean advancements to turbines, inverters, or plant supervisory controls or other similar advancements to the existing technology proposed in the Interconnection Request, provided that such advancements result in electrical performance that is equal or better than the electrical performance prior to the technological change and do not (i) increase the capability of the Large Facility by more than two (2) megawatts, (ii) change the generation technology or fuel type of the Large Facility, (iii) have a material adverse impact on the New York State Transmission System or Distribution System, and (iv) degrade the electrical characteristics of the generating equipment proposed in the Interconnection Request (*e.g.*, the ratings, impedances, efficiencies, capabilities, and performance of the equipment under steady state and dynamic conditions).

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Phase 1 ~~Cluster~~ Cost Estimates Summary Study Report shall mean the ISO report that summarizes the cost estimates identified in the Phase 1 Studies performed by the Connecting Transmission Owners and Affected Transmission Owners ~~issued following completion of Cluster Study pursuant to Section 7 of this LGIP.~~

Phase 1 Entry Decision Period shall mean the period of time following the conclusion of the Customer Engagement Window during which an Interconnection Customer must satisfy the requirements for its Cluster Study Project to enter the Phase 1 Study or be withdrawn. The Phase 1 Entry Decision Period requirements are set forth in Section [40.7.1.5] to this Attachment HH.

Phase 1 Study shall mean the first part of the Cluster Study as set forth in Section [40.10] in which the Connecting Transmission Owners and Affected Transmission Owners will perform design and engineering studies to identify the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and Local System Upgrade Facilities required to reliably interconnect the Cluster Study Project with the New York State Transmission System or Distribution System in accordance with Applicable Reliability Requirements and to provide cost estimates for and a preliminary schedule to construct the facilities.

Phase 1 Study Start Date shall mean the start date for the Phase 1 Study process as set forth in Section [40.10.1].

Phase 2 Entry Decision Period shall mean the period of time following the conclusion of the Phase 1 Study during which an Interconnection Customer must satisfy the requirements for its Cluster Study Project to enter the Phase 2 Study or be withdrawn. The Phase 2 Entry Decision Period requirements are set forth in Section [40.10.8] to this Attachment HH.

Phase 2 Study shall mean the second part of the Cluster Study as set forth in Sections [40.11, 40.12, and 40.13] in which the ISO will identify the System Upgrade Facilities and Distribution Upgrades required for the reliable interconnection of Cluster Study Projects to the New York State Transmission System or to the Distribution System in compliance with the NYISO Minimum Interconnection Standard and, for Cluster Study Projects requesting CRIS, will assess their reliable interconnection with the requested CRIS in compliance with the NYISO Deliverability Interconnection Standard and identify any required System Deliverability Upgrades. The Connecting Transmission Owner, Affected Transmission Owner, or Affected System Operator will determine the cost estimates for and a preliminary schedule to construct the facilities, along with updating, as needed, the identification of and cost estimates of the facilities identified in the Phase 1 Study.

Physical Infeasibility shall have the meaning set forth in Section [40.7.3.2] to this Attachment HH.

Physical Infeasibility Screening shall mean the assessment performed by the applicable Transmission Owner during the Customer Engagement Window of whether the proposed interconnection of a Cluster Study Project is Physically Infeasible. The Physical Infeasibility Screening requirements are set forth in Section [40.7.3] to this Attachment HH.

Point of Change of Ownership shall mean the point, ~~as set forth in Appendix A to the Standard Large Generator Interconnection Agreement,~~ where the Interconnection Customer ~~Developer's~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Attachment Facilities connect to the Connecting Transmission Owner's Attachment Facilities, as set forth in Appendix A to the Standard Interconnection Agreement.

Point of Interconnection shall mean the point, ~~as set forth in Appendix A to the Standard Large Generator Interconnection Agreement~~, where the Attachment Facilities connect to the New York State Transmission System or to the Distribution System, as set forth in Appendix A to the Standard Interconnection Agreement.

Project: The proposed facility as described in a single Interconnection Request or CRIS-Only Request, to the extent permitted by this Attachment HHs X or Z to the ISO OATT, as applicable. For facilities not subject to the ISO's ~~Standard Large Facility~~ Interconnection Procedures in Attachment ~~HHX~~ to the ISO OATT ~~or Small Generator Interconnection Procedures in Attachment Z to the ISO OATT~~, the Project refers to the facility as described in a single ~~Cluster~~ ~~ass Year~~ Study Agreement or Expedited Deliverability ~~[Studies]~~ Agreement, to the extent permitted by this Attachment HH ~~by Attachment S to the ISO OATT~~.

Commented [A39]: NYISO Comment: NYISO: NYISO is reviewing application of the term "Project."

Project Cost Allocation: shall mean ~~the~~ the dollar figure estimate for an Interconnection Customer ~~Developer~~'s share of the cost of the System Upgrade Facilities required for the reliable interconnection of its Project to the New York State Transmission System or to the Distribution System and/or the share of the cost of the System Deliverability Upgrades required for the Interconnection Customer ~~Developer~~'s Project to meet the NYISO Deliverability Interconnection Standard.

Commented [A40]: NYISO Comment: Incorporated Att. S defined term.

Provisional Interconnection Service shall mean interconnection service provided by the ISO associated with interconnecting the Interconnection Customer ~~Developer~~'s ~~Large~~ Facility to the New York State Transmission System (or Distribution System as applicable) and enabling the transmission system to receive electric energy from the ~~Large~~ Facility at the Point of Interconnection, pursuant to the terms of the Provisional ~~Large Facility~~ Interconnection Agreement and, if applicable, the ISO OATT.

Provisional ~~Standard Large Facility~~ Interconnection Agreement shall mean the interconnection agreement for Provisional Interconnection Service established between the ISO, Connecting Transmission Owner(s) and the Interconnection Agreement ~~Developer~~. This agreement shall take the form of the ~~Standard Large Generator~~ Interconnection Agreement, modified for provisional purposes and type of facility.

Queue shall mean the list of: (i) projects that possess a valid Interconnection Request or CRIS-Only Request participating in the ISO's Standard Interconnection Procedures set forth in this Attachment HH, (ii) projects with a valid Transmission Interconnection Application participating in the Transmission Interconnection Procedures in Attachment P to the ISO OATT, (iii) projects with a valid Study Request participating in Section 3.7 of the ISO OATT, (iv) load projects submitted in accordance with Section 3.9 of the ISO OATT, (v) projects subject to an Affected System Study, and (vi) projects that prior to the effective date of the Standard Interconnection Procedures were participating in the ISO's Standard Large Facility Interconnection Procedures in Attachment X to the ISO OATT or the Small Generator Interconnection Procedures in Attachment Z to the ISO OATT and retain their Queue Position in accordance with the transition requirements set forth in Section [40.3] to this Attachment HH.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Queue Position shall mean the unique number and/or letter designation ~~order~~ in the Queue for ~~of~~ a valid Interconnection Request, CRIS-Only Request, Study Request, load request, ~~or~~ Transmission Interconnection Application that satisfies the applicable requirements for inclusion in the Queue, ~~relative to all other such pending requests, that is established based upon the date and time of receipt of the valid request by the ISO, unless specifically provided otherwise in an applicable transition rule set forth in Attachment P, Attachment X or Attachment Z to the ISO OATT.~~

Readiness Deposits shall mean Readiness Deposit 1 and Readiness Deposit 2.

Readiness Deposit 1 shall mean a deposit paid by Interconnection Customer for its Cluster Study Project to enter the Phase 1 Study as set forth in Section [40.7.5] to this Attachment HH.

Readiness Deposit 2 shall mean a deposit paid by Interconnection Customer for its Cluster Study Project to enter the Phase 2 Study as set forth in Section [40.10.8] to this Attachment HH.

Reasonable Efforts shall mean, with respect to an action required to be attempted or taken by a Party under the Standard ~~Large Facility~~ Interconnection Procedures, ~~or~~ Standard ~~Large Generator~~ Interconnection Agreement, Standard Upgrade Construction Agreement, or Multiparty Standard Upgrade Construction Agreement, efforts that are timely and consistent with Good Utility Practice and are otherwise substantially equivalent to those a Party would use to protect its own interests.

Regulatory Limitations shall mean a federal, state, Tribal, or local law, other than permitting and siting requirements, that makes it infeasible to obtain Site Control prior to an Interconnection Customer's submission of its Interconnection Request as set forth in ISO Procedures.

Retired ~~shall mean:~~ A Generator that has permanently ceased operating on or after the effective date of Section 5.18 of the Services Tariff either: i) pursuant to applicable notice; or ii) as a result of the expiration of its Mothball Outage or the expiration of its ICAP Ineligible Forced Outage.

Commented [A41]: NYISO Comment: Incorporated from OATT Att. Z.

Revised Project Cost Allocation ~~shall mean:~~ The revised dollar figure cost estimate and related information provided by the ISO to an Interconnection Customer ~~Developer~~ following receipt by the ISO of a Non-Acceptance Notice, or upon the occurrence of a Security Posting Default by another member of the respective Cluster ~~Class Year~~.

Commented [A42]: NYISO Comment: Incorporated from OATT Att. S defined term.

Scoping Meeting shall mean the group meeting during the Customer Engagement Window among ~~between~~ representatives of the Interconnection Customers in the Cluster for a given Cluster Study Process ~~Developer~~, the ISO, and Connecting Transmission Owners, and Affected Transmission Owners conducted for the purpose of discussing Interconnection Customers' their Interconnection Requests and CRIS-Only Requests ~~alternative interconnection options to and providing available~~ exchange information including any transmission data and earlier study evaluations that would be reasonably expected to impact their proposed ~~such~~ interconnections options to analyze such information, and to determine the potential feasible Points of Interconnection.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

SDU Project Cost Allocation shall have the meaning set forth in Section [40.15.1] to Attachment HH.

Security shall mean, ~~the~~ under the interconnection facilities cost allocation rules set out in this Attachment ~~HH~~S, an Interconnection Customer ~~Developer~~ must signify its willingness to pay the Connecting Transmission Owner, ~~and~~ Affected Transmission Owner(s), ~~and/or Affected System Operator(s)~~ for the Interconnection Customer ~~Developer~~'s share of the required Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities and System Deliverability Upgrades by posting Security for the full amount of the Interconnection Customer ~~Developer~~'s share within a specified time frame. The Security can be a bond, irrevocable letter of credit, parent company guarantee or other form of security from an entity with an investment grade rating, executed for the benefit of the Connecting Transmission Owner, ~~and~~ Affected Transmission Owner(s), ~~and/or Affected System Operator(s)~~, meeting the requirements of the cost allocation rules in this Attachment HHS, and meeting the commercially reasonable requirements of the Connecting Transmission Owner, ~~and~~ Affected Transmission Owner(s), ~~and/or Affected System Operator(s)~~.

Commented [A43]: NYISO Comment: Incorporated OATT Att. S defined term.

Security Posting Default shall mean ~~a~~ failure by one or more Interconnection Customers ~~Developers~~ to post Security in, as applicable, the Final Decision Period or Additional SDU Decision Period, as required by this Attachment ~~HH~~S.

Commented [A44]: NYISO Comment: Incorporated OATT Att. S defined term, as revised..

~~Services Tariff~~ shall mean the NYISO Market Administration and Control Area Tariff, as filed with the Commission, and as amended or supplemented from time to time, or any successor tariff thereto.

Site Control shall mean the exclusive land right sufficient to develop, construct, operate, and maintain the Generating Facility over a term of at least ten (10) years. Site Control may be demonstrated by documentation establishing ~~reasonably demonstrating~~: (1) ownership of, a leasehold interest in, or a right to develop a site of sufficient size for the purpose of to constructing and operate the Large Generating Facility or Class Year Transmission Project; (2) an option to purchase or acquire a leasehold site of sufficient size to construct and operate the Generating Facility for such purpose; 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 Generating Facility, an exclusivity or other business relationship between Developer and the entity having the right to sell, lease or grant Developer the right to possess or occupy a site for such purpose. The term "exclusive land right" does not restrict multi-use applications of the site in addition to its use for the Generating Facility, such as agriculture, ranching, etc. The ISO will maintain acreage requirements and other applicable parameters for each facility type on its OASIS or public website.

Commented [A45]: NYISO Comment: Reviewing related Site Control rules for Cluster Study Transmission Projects.

Site Control Deposit shall mean the deposit provided by the Interconnection Customer to satisfy the Site Control requirement due to a Regulatory Limitation as set forth in Section [40.5.5.1.5.1] to this Attachment HH.

Stand Alone System Upgrade Facilities shall mean System Upgrade Facilities that are not part of an Affected System that an Interconnection Customer ~~a Developer~~ may construct without affecting day-to-day operations of the New York State Transmission System during their

Commented [A46]: NYISO Comment: Revised to address FERC Order No. 2023 edits to definition.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

construction and the following conditions are met: (1) a Local System Upgrade Facility must only be required for a single Interconnection Customer in the Cluster and no other Interconnection Customer in that Cluster is required to interconnect to the same Local System Upgrade Facility, and (2) a System Upgrade Facility must only be required for a single Interconnection Customer in the Cluster. The ISO, the Connecting Transmission Owner, and the Interconnection Customer Developer must agree as to what constitutes Stand Alone System Upgrade Facilities and identify them in Appendix A to the Standard Large Generator Interconnection Agreement. If the ISO, the Connecting Transmission Owner, and the Interconnection Customer Developer disagree about whether a particular System Upgrade Facility is a Stand Alone System Upgrade Facility, the ISO and the Connecting Transmission Owner must provide the Interconnection Customer Developer a written technical explanation outlining why the ISO and the Connecting Transmission Owner does not consider the System Upgrade Facility to be a Stand Alone System Upgrade Facility within fifteen (15) Calendar Days of its determination.

Standard Large Facility Interconnection Procedures (“Large Facility Interconnection Procedures” or “LFIP”) shall mean the interconnection procedures applicable to an Interconnection Request pertaining to a Large-Generating Facility or Cluster Study Class Year Transmission Project that are included in this Attachment HHX of the ISO OATT.

Standard Large Generator Interconnection Agreement (“LGIA”) shall mean the form of interconnection agreement applicable to an Interconnection Request pertaining to a Large Generating Facility or Cluster Study Transmission Project, that is included in Appendix [15] to this Attachment HHX of the ISO OATT. For purposes of applying the requirements in this Attachment HH, the term Standard Interconnection Agreement shall include, as applicable, Standard Large Generator Interconnection Agreement and Small Generator Interconnection Agreement.

Standard Affected System Facilities Upgrade Construction Agreement shall mean the agreement contained in Appendix [16] to this Attachment HH-LGIP that is made, as applicable, among (i) the between Transmission Provider ISO, (ii) the Affected System Operator or Affected Transmission Owner, or (iii) the Interconnection Customer or Affected System Interconnection Customer to facilitate the construction of and to set forth cost responsibility for necessary System Upgrades Facilities, System Deliverability Upgrades, or Affected-System Network Upgrades Facilities on the New York State Transmission Provider’s Transmission System or Distribution System.

Commented [A47]: NYISO Comment: Inserted FERC Order 2023 Pro Forma term as revised by NYISO.

Standard Multiparty Upgrade Affected System Facilities Construction Agreement shall mean the agreement contained in Appendix [17] to this Attachment HH-LGIP that is made, as applicable, among (i) the ISO, (ii) the Affected System Operator, Affected Transmission Owner, or Connecting Transmission Owner, Transmission Provider and (iii) multiple Interconnection Customers or Affected System Interconnection Customers to facilitate the construction of and to set forth cost responsibility for necessary System Upgrade Facilities, System Deliverability Upgrades, or Affected-System Network Upgrades Facilities on the New York State Transmission Provider’s Transmission System or Distribution System.

Commented [A48]: NYISO Comment: Inserted FERC Order 2023 Pro Forma term as revised by NYISO.

*IITF February 16, 2024 Working Draft
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Study Deposit— shall mean the study deposit the Interconnection Customer must submit with its Interconnection Request or CRIS-Only Request pursuant to Section [40.5.5.1.4] to this Attachment HH.

Subsequent Decision Period— shall mean ~~a~~^A seven calendar day period of, as applicable, the Final Decision Period or Additional SDU Study Decision Period, within which an Interconnection Customer ~~Developer~~ must provide an Acceptance Notice or Non-Acceptance Notice to the ISO in response to the Revised Project Cost Allocation issued by the ISO to the Interconnection Customer ~~Developer~~.

Commented [A49]: NYISO Comment: Incorporated Att. S defined term.

Initial Synchronization Date shall mean the date upon which the ~~Large~~-Generating Facility or ~~Class-Year~~ Cluster Study Transmission Project is initially synchronized and upon which Trial Operation begins, ~~notice of which must be provided by the Interconnection Customer to the ISO and Connecting Transmission Owner in the form of Appendix E-1 of the Standard Interconnection Agreement.~~ Synchronization Date shall include the term Initial Synchronization Date as that term is used in Attachments S, X, and Z to the ISO OATT.

System Deliverability Upgrades shall mean the least costly configuration of commercially available components of electrical equipment that can be used, consistent with Good Utility Practice and Applicable Reliability Requirements, to make the modifications or additions to Byways and Highways and Other Interfaces on the existing New York State Transmission System that are required for the proposed Project to connect reliably to the system in a manner that meets the NYISO Deliverability Interconnection Standard for Capacity Resource Interconnection Service.

System Protection Facilities shall mean the equipment, including necessary protection signal communications equipment, required to (1) protect the New York State Transmission System from faults or other electrical disturbances occurring at the ~~Large~~-Generating Facility or ~~Cluster Study~~ ~~Class-Year~~ Transmission Project and (2) protect the ~~Large~~-Generating Facility or ~~Cluster Study~~ ~~Class-Year~~ Transmission Project from faults or other electrical system disturbances occurring on the New York State Transmission System or on other delivery systems or other generating systems to which the New York State Transmission System is directly connected.

System Upgrade Facilities shall mean the least costly configuration of commercially available components of electrical equipment that can be used, consistent with ~~g~~Good ~~u~~Utility ~~p~~Practice and Applicable Reliability Requirements, to make the modifications to the existing transmission system that are required to maintain system reliability due to: (i) changes in the system including such changes as load growth and changes in load pattern, to be addressed in the form of generic generation or transmission projects in accordance with Section [40.9.5.1]; ~~and~~ (ii) proposed interconnections. In the case of proposed interconnections, System Upgrade Facilities are the modifications or additions to the existing New York State Transmission System that are required for the proposed Project to connect reliably to the system in a manner that meets the NYISO Minimum Interconnection Standard.

Tariff shall mean the NYISO Open Access Transmission Tariff (“OATT”), as filed with the Commission, ~~and as amended or supplemented from time to time, or any successor tariff.~~

*IITF February 16, 2024 Working Draft
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Transition Cluster Study shall mean the Cluster Study conducted during the Transition Cluster Study Process.

Transition Cluster Study Process shall mean the first Cluster Study Process conducted in accordance with the Standard Interconnection Procedures requirements in this Attachment HH.

Transition Cluster Study Process Start Date shall mean the date upon which the ISO will open the Application Window for the Transition Cluster Study Process, which date shall be determined pursuant to Section [40.5.1.1] to this Attachment HH.

Trial Operation shall mean the period during which an Interconnection Customer~~Developer~~ is engaged in on-site test operations and commissioning of the ~~Large~~-Generating Facility or Cluster Study~~Class Year~~ Transmission Project prior to Commercial Operation.

Upgrades ~~shall mean~~ the required additions and modifications to the Connecting Transmission Owner's portion of the New York State Transmission System or the Distribution System at or beyond the Point of Interconnection. Upgrades may be System Upgrade Facilities or System Deliverability Upgrades or Distribution Upgrades. Upgrades do not include Attachment~~Interconnection~~ Facilities.

Commented [A50]: NYISO Comment: Inserted Att. Z defined term.

Withdrawal Penalty shall mean the penalties assessed by the ISO~~Transmission Provider~~ to an Interconnection Customer that chooses to withdraw or is deemed withdrawn from the ISO~~Transmission Provider's interconnection~~ Queue or whose Generating Facility or Cluster Study Transmission Project does not otherwise reach Commercial Operation. The calculation of the Withdrawal Penalty is set forth in Section [40.6.5.1] to this Attachment HH~~3.7.1 of this LGIP~~.

Commented [A51]: NYISO Comment: Inserted Order No. 2023 Pro Forma defined term.

Withdrawal Penalty Funds shall mean the amount of the Withdrawal Penalties that the ISO has collected from Cluster Study Projects for a given Cluster Study Process.

40.2.2 Effective Date, Scope, and Application of Standard Interconnection Procedures

Commented [A1]: NYISO Comment: NYISO relocated Att. X 30.2 to Attachment HH.

40.2.1 Effective Date of Standard Interconnection Procedures

The Standard Interconnection Procedures set forth in this Attachment HH to the ISO OATT shall be effective on April 4, 2024. Any Interconnection Request or CRIS-Only Request for a Large Generating Facility, Class Year Transmission Project, Small Generating Facility, or Class Year Project in the Queue that was submitted prior to the effective date of the Standard Interconnection Procedures in accordance with the requirements in the Standard Large Facility Interconnection Procedures in Attachment X to the ISO OATT, the Standard Small Generator Interconnection Procedures in Attachment Z to the ISO OATT, and/or the Rules to Allocate Responsibility for the Cost of New Interconnection Facilities in Attachment S to the ISO OATT shall be subject to the transition requirements set forth in Section [40.3.1] to this Attachment HH. As of the effective date, the requirements in Attachments S, X, and Z to the ISO OATT shall no longer apply except as provided in the transition rules in Section [40.3.1] to this Attachment HH.

40.2.2 Scope of Standard Interconnection Procedures

The ISO shall process Interconnection Requests and CRIS-Only Requests through a Cluster Study Process in accordance with the requirements in this Attachment HH to the ISO OATT. The ISO shall conduct a Cluster Study Process on a recurring, defined basis as established in Section [40.5.1], beginning with a Transition Cluster Study Process. Prior to the commencement of a given Cluster Study Process, an entity may obtain information concerning its proposed interconnection by reviewing the Heatmap as set forth in Section [40.4.1] and by requesting a Pre-Application Report as set forth in Section [40.4.2].

IITF February 16, 2024 Working Draft
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The ISO shall commence a particular Cluster Study Process by opening the Application Window for that study cycle on the Cluster Study Process Start Date (or the Transition Cluster Process Start Date for the Transition Cluster Study) as set forth in Section [40.5.1]. To enter a given Cluster Study Process, an Interconnection Customer must submit, as applicable, an Interconnection Request or CRIS-Only Request, including an Application Fee, Study Deposit, and all other required materials, for its Generating Facility, Cluster Study Transmission Project, or CRIS-Only Cluster Study Project during the Application Window as set forth in Section [40.5.4]. If the Interconnection Customer submits a valid Interconnection Request or CRIS-Only Request, and timely cures any deficiencies identified by the ISO, the Interconnection Request or CRIS-Only Request will be a Cluster Study Project included in the Cluster for that Cluster Study Process.

The ISO shall then commence the Customer Engagement Window as set forth in Section [40.7.1]. During the Customer Engagement Window, the ISO shall publish the list of all of the Cluster Study Projects in the Cluster for that particular Cluster Study Process as set forth in Section [40.7.2]. The Connecting Transmission Owner will also conduct a Physical Infeasibility Screening of the proposed interconnections of the Cluster Study Projects as set forth in Section [40.7.3]. Finally, the ISO shall conduct a group Scoping Meeting for the Cluster as set forth in Section [40.7.4]. At the conclusion of the Customer Engagement Window, the ISO will commence the Phase 1 Entry Decision Period in which an Interconnection Customer will elect for its Cluster Study Project to proceed to the Phase 1 Study, including posting the Readiness Deposit 1 for its project, or to withdraw its Cluster Study Project from the Queue as set forth in Section [40.7.5]. A Cluster Study Project that withdraws may be subject to a Withdrawal Penalty as set forth in Section [40.7.6].

IITF February 16, 2024 Working Draft
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The ISO shall then commence the Phase 1 Study. For purposes of the Phase 1 Study and Phase 2 Study, the ISO will finalize the Existing System Representation in accordance with Section [40.10.3]. The Connecting Transmission Owners and Affected Transmission Owners will then perform the Phase 1 Study in accordance with Section [40.10.4] to identify the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and Local System Upgrade Facilities required to reliably interconnect the Cluster Study Project with the New York State Transmission System or Distribution System in accordance with Applicable Reliability Requirements and to provide cost estimates for and a preliminary schedule to construct the facilities.

At the conclusion of the Phase 1 Study, the ISO will commence the Phase 2 Entry Decision Period in which an Interconnection Customer will elect for its Cluster Study Project to proceed to the Phase 2 Study, including posting the Readiness Deposit 2 for its project, or to withdraw its Cluster Study Project from the Queue as set forth in Section [40.10.8]. A Cluster Study Project that withdraws may be subject to a Withdrawal Penalty as set forth in Section [40.10.9].

The ISO will then perform the Phase 2 Study as set forth in Section [40.11]. The ISO will perform assessments built on the Cluster Baseline Assessment and Cluster Project Assessment system representation models to identify the System Upgrade Facilities and Distribution Upgrades required for the reliable interconnection of Cluster Study Projects to the New York State Transmission System or to the Distribution System in compliance with the NYISO Minimum Interconnection Standard in accordance with the requirements in Section [40.12]. In addition, for Cluster Study Projects requesting CRIS, the ISO will conduct a Cluster Study Deliverability Study to assess their reliable interconnection with the requested CRIS in

IITF February 16, 2024 Working Draft
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compliance with the NYISO Deliverability Interconnection Standard and identify any required System Deliverability Upgrades in accordance with Section [40.13]. The Connecting Transmission Owner, Affected Transmission Owner, or Affected System Operator will determine the cost estimates for and a preliminary schedule to construct the facilities, along with updating, as needed, the identification of and cost estimates of the facilities identified in the Phase 1 Study.

At the conclusion of the Phase 2 Study, the ISO will commence the Final Decision Period in which each Interconnection Customer will elect through iterative decision rounds whether to accept its Project Cost Allocation and pay cash or post Security for the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and/or System Deliverability Upgrades identified in the Cluster Study for its Cluster Study Project as set forth in Section [40.15]. An Interconnection Customer that accepts its Project Cost Allocation and pays cash or posts Security in the allocated amount for its Cluster Study Project will proceed to the negotiation process for a Standard Interconnection Agreement and any required construction agreements for that project as set forth in Section [40.21]. If an Interconnection Customer does not accept its Project Cost Allocation or does not pay cash or post Security in the allocated amount for its Cluster Study Project, the Cluster Study Project will be withdrawn from the Queue and may be subject to a Withdrawal Penalty as set forth in Section [40.15.5]. The ISO will perform, if applicable, an Additional SDU Study as set forth in Section [40.14].

An Interconnection Customer may separately elect to enter an Expedited Deliverability Study for purposes of requesting CRIS outside the Cluster Study Process, subject to the eligibility requirements for the Expedited Deliverability Study, in accordance with Section [40.19].

IITF February 16, 2024 Working Draft
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40.2.3 Application of Standard ~~Large Facility~~ Interconnection Procedures

Commented [A2]: NYISO Comment: Relocated Att. X Section 30.2.1 and consolidated descriptions from Attachments S, X, and Z concerning when the Standard Interconnection Procedures will apply.

40.2.3.1 The Standard Interconnection Procedures set forth in this Attachment HH establish the rules ~~Sections 30.2 through 30.13~~ apply to processing for an Interconnection Customer to submit an Interconnection Request or CRIS-Only Request proposing ~~pertaining~~ to:

(i) interconnect a ~~Large-new~~ Generating Facility or Cluster Study ~~ass Year~~ Transmission Project ~~proposing to interconnect~~ to the New York State Transmission System or to the Distribution System, ~~or~~ (ii) materially increase the capacity of, or make a material modification to the operating characteristics of, an existing ~~Large~~ Generating Facility, Cluster Study Transmission Project, or Class Year Transmission Project that is interconnected to the New York State Transmission System or Distribution System, or (iii) solely obtain CRIS or an increases in CRIS, ~~proposing a material increase or modification requiring a new Interconnection Request pursuant to these Procedures.~~

40.2.3.2 For purposes of Section [40.2.3.1], A ~~n~~ increase in the capacity of an existing ~~Large~~ Facility is a material increase ~~for purposes of this Section 30.3.1~~ unless the increase (a) is not associated with any equipment changes or is associated with equipment changes determined by the ISO to be non-material; and (b) is an increase in: (i) the ~~Large Facility's~~ baseline ERIS level for a Facility greater than 20 MW that is equal to or less than ten (10) megawatts or five (5) percent, whichever is greater, or (ii) the baseline ERIS level for a Facility 20 MW or smaller that is equal to or less than two (2) megawatts. For purposes of this Section [40.2.3.2] ~~30.3.1~~, the baseline ERIS level of an existing ~~Large F~~ facility is (a) the greater of (i) the existing ~~Large~~ Facility's CRIS level determined as a facility pre-dating Class Year 2007 pursuant to Section [40.18.2.1] ~~25.9.3.1 of Attachment S of the ISO OATT~~, if applicable; or (ii) the final maximum summer megawatt electrical output studied for the total facility (including all Generators in a facility comprised of multiple Generators) for ERIS in the ISO's interconnection process for the

Commented [A3]: NYISO Comment: Added provision from Att. X 30.3.1.

IITF February 16, 2024 Working Draft
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existing ~~Large~~-Facility; or (b) if neither (a)(i) nor (a)(ii) are applicable, the baseline ERIS level is the value reflected in the ~~Large~~-Facility's interconnection agreement or other applicable documentation governing the ~~Large~~-Facility's interconnection; provided, however, if the ~~Large~~ Facility has requested a modification to its facility to decrease its size, and such modification has been deemed nonmaterial by the ISO, the decreased MW level will be a cap on its baseline ERIS. If the existing ~~Large~~-Facility is a BTM:NG Resource, the increase in existing capacity will be measured based on the increase from the existing gross capability of the generator to the proposed gross capability of the generator, as modified. Notwithstanding the above, if the existing ~~Large~~-Facility is a temperature sensitive unit, the maximum capacity of which varies based on ambient temperature, the increase in existing capacity will be measured based on the largest increase from the existing capacity to the proposed capacity at the same temperature, i.e., at the same temperature along the maximum megawatt electrical output versus temperature curves.

40.2.3.3 The Standard Interconnection Procedures also apply to ~~Transmission~~ Projects

initially evaluated pursuant to Attachment P to the ISO OATT that have submitted a Transmission Interconnection Application and application fee in accordance with Attachment P to the ISO OATT and that elect to transition to the ~~Standard~~~~Large Facility~~ Interconnection Procedures in order to request CRIS.

Commented [A4]: NYISO Comment: Added from Att. X 30.3.1.

40.2.3.4 A Transmission Owner that has constructed a reliability-based transmission or

distribution system upgrade, or an upgrade pursuant to an order issued by a regulatory body requiring such construction, will not be deemed to be an ~~an Interconnection Customer~~~~Developer~~ under these rules because of the construction of that upgrade.

Commented [A5]: NYISO Comment: Added from Att. S Section 25.2.

40.2.3.5 ~~These~~ Standard Interconnection Procedures~~procedures~~ do not apply to

Commented [A6]: NYISO Comment: Inserted from Att. Z 32.1.1.1.

*IITF February 16, 2024 Working Draft
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interconnections made simply to receive power from the New York State Transmission System and/or the Distribution System, nor to interconnections made solely for the purpose of generation with no wholesale sale for resale nor to net metering. These procedures do not apply to interconnections to LIPA's distribution facilities. LIPA will continue to administer the interconnection process for generators connecting to its distribution facilities and perform all required studies on its distribution system under its own tariffs and procedures.

40.2.3.6 An Interconnection Customer-Developer seeking to return a Large-Generating Facility to Commercial Operations after it is Retired must submit a new Interconnection Request as a new facility. An Interconnection Customer-Developer returning a Large-Generating Facility to service prior to the expiration or termination of its Mothball Outage or ICAP Ineligible Forced Outage need not submit a new Interconnection Request unless the Large-Generating Facility is making modifications or is increasing its capacity such as would otherwise trigger a new Interconnection Request for an existing Large-Generating Facility.

Commented [A7]: NYISO Comment: Added from Att. X 30.3.1.

40.2.3.7 Under the Standard Interconnection ~~se p~~ Procedures, a request to interconnect a certified Small-Generating Facility that is 20 MW or smaller (~~S~~see Appendices 10~~3~~ and 4~~11~~) for description of certification criteria) to the Connecting Transmission Owner's Distribution System shall be evaluated under ~~the the Section 32.2~~-Fast Track Process in Section [40.23] if the eligibility requirements of Section [40.23.1]~~32.2.4~~ are met. If the Generating Facility does not meet the eligibility requirements or does not pass the Fast Track Process, it shall be subject to the Cluster Study Process and may submit an Interconnection Request for the project in the next open Application Window.

Commented [A8]: NYISO Comment: Added from Att. Z 32.1.1.1.

40.2.3.8 A request to interconnect a certified inverter-based Small-Generating Facility no larger than 10 kilowatts (kW) shall be evaluated under the Appendix 12~~5~~ 10 kW Inverter

Commented [A9]: NYISO Comment: Added from Att. Z 32.1.1.1.

IITF February 16, 2024 Working Draft
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Process instead of through the Cluster Study Process. If the Generating Facility does not meet the eligibility requirements or does not pass the Fast Track Process, it shall be subject to the Cluster Study Process and may submit an Interconnection Request for the project in the next open Application Window.

40.2.4 Fee and Deposit Requirements for the Standard Interconnection Procedures

40.2.4.1 Method for Payment of Cash Fees and Deposits

An Interconnection Customer must submit any cash fee or cash deposit required under this Attachment HH to the ISO via electronic payment using the method required by the ISO.

40.2.4.2 Deposit Requirement

As security for the prompt payment of Interconnection Customer's obligation to make payments to the ISO required under this Attachment HH, Interconnection Customer shall provide deposits required by this Attachment HH in an acceptable form in accordance with the requirements in Sections 40.2.4.2.1 or 40.2.4.2.2.

40.2.4.2.1 Cash Deposit

If Interconnection Customer provides cash to the ISO as a deposit, Interconnection Customer's delivery of cash to the ISO shall constitute the grant of a first-priority security interest in the cash in favor of the ISO, and the ISO shall be authorized by such delivery to hold the cash as security and to apply it to the Interconnection Customer's obligations. An Interconnection Customer who delivers cash to the ISO hereunder agrees that the ISO OATT and any other agreements incorporating the terms of the ISO OATT shall for all purposes constitute a security agreement.

40.2.4.2.2 Letter of Credit

IITF February 16, 2024 Working Draft
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If Interconnection Customer provides a letter of credit to the ISO as a deposit, the letter of credit shall be in a form acceptable to the ISO and issued or guaranteed by an approved U.S. or Canadian commercial bank, or an approved U.S. or Canadian branch of a foreign bank, with a minimum “A” rating from Standard & Poor’s, Fitch, Moody’s, or Dominion. An Interconnection Customer providing a letter of credit must provide a separate letter of credit for each Interconnection Request and each CRIS-Only Request. An Interconnection Customer’s failure to provide an acceptable deposit in an amount sufficient to meet its obligations in Attachment HH fifty (50) days prior to the termination of a letter of credit, which deposit shall be guaranteed to remain in effect for a period of not less than one (1) year, shall be considered a failure to maintain a deposit under this Attachment HH.

40.2.5~~30.2.2~~ Comparability

The ISO shall receive, process and analyze all Interconnection Requests and CRIS-Only Requests in a timely manner as set forth in the ~~Large Facility~~Standard Interconnection Procedures. As described herein, the ISO will process and analyze all Interconnection Requests and CRIS-Only Requests with independence and impartiality, in cooperation with and with input from the Interconnection Customers~~Developers~~, Connecting Transmission Owners and other Market Participants. The ISO will perform, oversee or review the Cluster Study Process~~Interconnection Studies~~ to ensure compliance with the Standard~~Large Facility~~ Interconnection Procedures. ~~The ISO shall will use the same Reasonable Efforts in processing~~ and analyzing Interconnection Requests and CRIS-Only Requests from all Interconnection Customers~~Developers~~, regardless of whether ~~or not~~ the ~~Large~~ Generating Facilities or Cluster Study~~Class Year~~ Transmission Projects are owned by a Connecting Transmission Owner, its subsidiaries or Affiliates, or others.

Commented [A10]: NYISO Comment: Relocated to Att. HH from OATT Att. X Section 30.2.2.

Commented [A11]: NYISO Comment: Included edits from Order 2023 Pro Forma LGIA.

IITF February 16, 2024 Working Draft
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40.2.6~~30.2.3~~ Base Case Data

Commented [A12]: NYISO Comment: Relocated to Att. HH from OATT Att. X Section 30.2.3.

The ISO or Connecting Transmission Owner, depending upon which of those Parties possesses the data requested, shall provide base power flow, short circuit and stability databases, including all underlying assumptions and contingency lists, to the [Interconnection Customer](#)~~Developer~~ upon request. In addition, the ISO shall maintain network models and underlying assumptions within its possession on its secure portion of the ~~NY~~ISO website, which shall be accessible through a link from the OASIS. Such network models and underlying assumptions should reasonably represent those used during the most recent Class Year ~~Interconnection Facilities~~ Study [or Cluster Study, as applicable](#), and be representative of current system conditions used in the interconnection studies. All Parties shall treat Confidential Information in accordance with Section [\[40.24.1\]](#)~~30.13.1~~ of these [Standard](#)~~Large Facility~~ Interconnection Procedures. The ISO and Connecting Transmission Owner are permitted to require that [Interconnection Customers](#)~~Developers~~ and password-protected website users sign a non-disclosure agreement before the release of Confidential Information or Critical Energy Infrastructure Information in the Base Case Data. The power flow, short circuit and stability data bases and underlying assumptions, ~~hereinafter referred to as Base Cases~~, provided shall be those that the ISO is using in the [Cluster](#)~~Annual Transmission~~ Baseline Assessment then in progress, or if such data bases are not available, the data bases from the last completed ~~Annual Transmission Reliability~~[Cluster Project](#) Assessment conducted ~~pursuant to Attachment S of the ISO OATT~~ prior to the request or posted ~~ing~~ to the secure portion of the ~~NY~~ISO website. In the case of a request from an [Interconnection Customer](#)~~Developer~~ considering or requesting CRIS, the power flow data bases provided shall include the ~~Annual Transmission Reliability~~[Cluster Project](#) Assessment case from the most recently completed Class Year Deliverability Study [or Cluster Study Deliverability Study](#).

IITF February 16, 2024 Working Draft
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40.2.7 ~~30.2.4~~ No Applicability to Transmission Service or Other Services

Commented [A13]: NYISO Comment: Relocated to Att. HH from OATT Att. X Section 30.2.4.

Nothing in these Standard~~Large Facility~~ Interconnection Procedures shall constitute a request for Transmission Service or confer upon an Interconnection Customer~~Developer~~ any right to receive Transmission Service. Nothing in these Standard~~Large Facility~~ Interconnection Procedures shall constitute a request for, nor agreement to provide, any energy, Ancillary Services or Installed Capacity under the ISO Services Tariff, except to the extent that an Interconnection Customer~~Developer~~'s election of Capacity Resource Interconnection Service and satisfaction of the NYISO Deliverability Interconnection Standard are prerequisites for the ~~Large~~ Generating Facility to become a qualified Installed Capacity Supplier and for the Cluster Study~~Class Year~~ Transmission Project to receive Unforced Capacity Deliverability Rights.

40.2.8 Transmission Service Customer Rights

Commented [A14]: NYISO Comment: Relocated from Att. S 25.10.5.

Nothing in these rules precludes any transmission service customer from receiving transmission service charge credits to the extent the customer is entitled to such credits under FERC policy and precedent.

40.2.9 ISO Data Requirements

Commented [A15]: NYISO Comment: Relocated from Att. S 25.10.3.

Interconnection Customers~~Developers~~ and Transmission Owners shall provide the ISO with all data necessary to make the determinations contemplated by these rules.

40.2.10 Rights Under the Federal Power Act

Commented [A16]: NYISO Comment: Relocated from Att. S 25.10.4.

Nothing in these rules restricts the rights of any person under the OATT, or the right of any person to file a complaint with the Federal Energy Regulatory Commission under the relevant provisions of the Federal Power Act.

40.2.11 ~~30.2.5~~ Inclusion of Black Start Capability at Large Generating Facility

Commented [A17]: NYISO Comment: This provision is still under review and has not yet been revised. Existing Att. X Section 30.2.5 rules are tied to interconnection studies that are not part of the new Cluster Study Process.

A Developer proposing, pursuant to this Attachment X, to interconnect a new Large Generating Facility to Zone J or to modify – i.e., materially increase (as defined in Section 30.3.1 of this Attachment X) the capacity of or make a material modification to the operating characteristics of – an existing Large Generating Facility already interconnected to Zone J that will commence Commercial Operation after November 1, 2012, shall include black start capability at the Large Generating Facility; provided, however, the Large Generating Facility shall not be required to include black start capability if:

- (A) the ISO determines that: (i) the inclusion of black start capability at the Large Generating Facility would not provide a material benefit to system restoration in Zone J, or (ii) the Developer has shown good cause for not including black start capability at the Large Generating Facility, or
- (B) as of November 1, 2012, the Large Generating Facility has: (i) received one or more draft or final air permits from the appropriate regulatory agency, or (ii) has completed a draft environmental impact statement and submitted it to the appropriate governmental agency for issuance for public comment.

The inclusion of black start capability at a given Large Generating Facility would provide a material benefit to system restoration in Zone J if, among other things, such action would improve the speed, adequacy, or flexibility of Consolidated Edison Company of New York, Inc.’s (“Consolidated Edison’s”) black start and system restoration plan for restoring electric service in Zone J in a safe, orderly, and prompt manner following a major system disturbance that would require Consolidated Edison to undertake system restoration efforts.

To facilitate the ISO’s determination regarding material benefit, Consolidated Edison shall at its expense perform contemporaneously with the Interconnection System Reliability

IITF February 16, 2024 Working Draft
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Impact Study a separate study to examine whether a new or modified Large Generating Facility would provide a material benefit to system restoration as a black start resource. If requested by the Developer, Consolidated Edison shall perform this separate study contemporaneously with the earlier Optional Interconnection Feasibility Study. If changes to the project made subsequent to this study are deemed by the ISO to be significant, Consolidated Edison shall perform a new study at the Developer's expense. The study will indicate the black start performance measures under Consolidated Edison's black start and system restoration plan and the impact on relevant factors of the Large Generating Facility having black start capability. Consolidated Edison will provide its study to the ISO and to the Developer(s) of the Generating Facility(ies) that were considered in the study, subject to appropriate confidentiality protections. Consolidated Edison may provide the study to other parties that have a direct interest in this matter as well, subject to appropriate confidentiality protections.

If a Developer asserts that good cause exists for not including black start capability at a new or modified Large Generating Facility, it shall provide documentation demonstrating the technical, financial, spatial, and/or other reasons that justify its assertion. Factors that may constitute reasonable justification include, but are not limited to: (i) physical site limitations would unreasonably impair the planned use of the site or prevent the inclusion of black start equipment in addition to the equipment required to properly operate and maintain the proposed Large Generating Facility; (ii) the cost of adding black start capability would increase the overall cost of the project to a level that would impair the ability of the Developer to secure financing at commercially competitive terms; or (iii) the inclusion of black start capability would prevent the Developer from obtaining the permits and approvals needed for the project, or result in the imposition of significantly more burdensome permit conditions than would be imposed absent

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

the installation of black start capability. The Developer will provide a study to the ISO and Consolidated Edison that supports its claim under this section, subject to appropriate confidentiality protections. The Developer may provide the study to other parties that have a direct interest in this matter as well, subject to appropriate confidentiality protections.

Any decision by the ISO regarding a new or modified Large Generating Facility's installation of black start capability pursuant to these provisions shall not be considered precedential or binding on the New York State Board on Electric Generation Siting and the Environment. In the event the New York State Board on Electric Generation Siting and the Environment makes a determination regarding the installation of black start equipment in the course of its siting process under Public Service Law Article 10, the ISO will accept that determination and not make a separate determination hereunder.

40.3 Transition Procedures

40.3.1 Transition Procedures for Interconnection Requests and CRIS-Only Requests Submitted Prior to the Effective Date of Standard Interconnection Procedures

Upon the effective date of the Standard Interconnection Procedures, the ISO shall withdraw from the Queue all existing Interconnection Requests for Large Generating Facilities, Class Year Transmission Projects, Small Generating Facilities, or Class Year Projects and cease its evaluation of all existing CRIS-Only Requests for Class Year Projects that were submitted prior to the effective date of the Standard Interconnection Procedures pursuant to, as applicable, the Standard Large Facility Interconnection Procedures in Attachment X of the ISO OATT or the Standard Small Generator Interconnection Procedures in Attachment Z of the ISO OATT, except as provided for in the transition requirements set forth in Sections [40.3.1.1] – [40.3.1.9].

40.3.1.1 The ISO shall retain the Queue Position of a Large Facility or a Small Generating Facility that, as of the effective date of the Standard Interconnection Procedures, (i) has an executed interconnection agreement or an unexecuted interconnection agreement accepted by the Commission, but (ii) has not yet entered Commercial Operation.

40.3.1.2 The ISO shall retain the Queue Position of a Class Year Project or Small Generating Facility that, as of the effective date of the Standard Interconnection Procedures: (A) has either participated in the Class Year Interconnection Facilities Study for Class Year 2021 or a prior Class Year Interconnection Facilities Study or completed a Small Generator facilities study, (B) has either accepted at the conclusion of the Class Year Interconnection Facilities Study its Project Cost Allocation and paid cash or posted Security for its allocated amount or satisfied the requirements of Section 32.3.5.7.1 of Attachment Z to the OATT at the conclusion of **its** Small Generator facilities study applicable to the cost allocation for its identified Interconnection Facilities and Upgrades, and (C) is negotiating an interconnection

agreement for the Class Year Project or Small Generating Facility or has requested that such interconnection agreement be filed unexecuted with the Commission. For a Class Year Project for Class Year 2021 or prior Class Years or a Small Generating Facility for which the ISO is negotiating with the Interconnection Customer, Connecting Transmission Owner, Affected System Operator, and/or Affected Transmission Owner, as applicable, an interconnection agreement and/or Engineering, Procurement, or Construction Agreement(s) as of the effective date of the Standard Interconnection Procedures, the parties shall continue to negotiate, as applicable, the Standard Large Generator Interconnection Agreement, Small Generator Interconnection Agreement, and/or Engineering, Procurement, or Construction Agreement pursuant to the terms and forms set forth, as applicable, in Attachment X or Attachment Z to the ISO OATT.

40.3.1.3 The ISO shall retain the Queue Position of a Class Year Project participating in the Class Year Study for Class Year 2023. The ISO shall complete the Class Year Interconnection Facilities Study for Class Year 2023, including invoicing study costs and reconciling final payments and any deposit refunds, pursuant to the requirements for a Class Year Study set forth in Attachments X and S to the ISO OATT. Notwithstanding the requirements in Section 30.11.1 of Attachment X and Section 25.6.2.3.2 of Attachment S to the ISO OATT, a Class Year Project that satisfied the regulatory milestone requirement to enter Class Year 2023 or a prior Class Year by submitting a qualifying contract or deposit shall not be subject to withdrawal from the Queue if it has not satisfied the applicable regulatory milestone within six (6) months after the date the ISO tenders its draft interconnection agreement. If the Class Year Project submitted a deposit to satisfy the regulatory milestone requirement, it will remain subject to the requirements and timeframes

in Section 25.6.2.3.1 of Attachment S to the ISO OATT concerning the refund of this deposit.

If: (i) the Class Year Project withdraws, or is deemed withdrawn, prior to the completion of Class Year 2023, or (ii) a Class Year Project does not accept its Project Cost Allocation or does not pay cash or post Security for its allocated amount as determined in Class Year 2023, the Interconnection Request shall be withdrawn from the Queue. If a Class Year Project accepts its Project Cost Allocation and pays cash or posts Security for its allocated amount in Class Year 2023, the ISO shall tender to the Interconnection Customer as soon as practicable following the completion of the Class Year Study a Standard Interconnection Agreement and any required Standard Upgrade Construction Agreement or Multiparty Standard Upgrade Construction Agreement in accordance with the requirements in Section [40.21] to this Attachment HH. If the Interconnection Customer requests tender of an interconnection agreement prior to the completion of the Class Year Study pursuant to the requirements in Section 30.11.3 of Attachment X to the OATT, the ISO will tender the Standard Interconnection Agreement to the Interconnection Customer.

40.3.1.4 The ISO shall retain the Queue Position of a Small Generating Facility and complete or commence a Small Generator facilities study pursuant to the requirements in Section 40.3.1.4.1 if: prior to the effective date of the Standard Interconnection Procedures either

(i) the facilities study has already commenced pursuant to the requirements in 32.3.5 of Attachment Z to the ISO OATT or

(ii) the facilities study has not yet commenced, but the following requirements have been satisfied: (A) a system impact study for the Small Generating Facility has been

completed that did not identify any non-Local System Upgrade Facilities, (B) the Interconnection Customer executed a Small Generator facilities study agreement tendered by the ISO, (C) Connecting Transmission Owner has confirmed receipt of the complete data provided by the Interconnection Customer that is required for the performance of the applicable study, and (D) the ISO has provided to the Connecting Transmission Owner the short-circuit base case required for the facilities study.

40.3.1.4.1 If the requirements in either Section 40.3.1.4(i) or (ii) are met, the ISO, in coordination with the Connecting Transmission Owner, shall proceed to commence or complete the facilities study in accordance with the requirements in Attachment Z to the ISO OATT subject to the following conditions unless the Interconnection Customer informs the ISO to terminate or not commence the facilities study:

(i) If the facilities study is not completed prior to the end of the Application Window for the Transition Cluster Study Process, then the ISO shall terminate the facilities study and shall withdraw the Interconnection Request for the Small Generating Facility from the Queue.

(ii) If the facilities study identifies any non-Local System Upgrade Facilities, then the ISO shall terminate the facilities study and shall withdraw the Interconnection Request for the Small Generating Facility from the Queue.

(iii) If the facilities study is completed, and the Interconnection Customer satisfies the requirements in Attachment Z to be tendered an interconnection agreement, the ISO, Connecting Transmission Owner, and Interconnection Customer will negotiate a Standard Small Generator Interconnection Agreement

in accordance with the requirements in Attachment Z to the ISO OATT. If the Small Generating Facility does not satisfy the requirements to be tendered a draft Standard Small Generator Interconnection Agreement following the completion of its facilities study, the ISO shall withdraw the Small Generating Facility from the Queue.

40.3.1.5 If, prior to the effective date of the Standard Interconnection Procedures, an Interconnection Customer's Small Generating Facility that has not satisfied the requirements in Sections [40.3.1.2] or [40.3.1.4] either

(i) has commenced an optional feasibility study or system impact study for the Small Generating Facility, or

(ii) has: (A) satisfied the requirements, as applicable, in Sections [32.3.2.3, 32.3.4.1, and 32.3.4.3] of Attachment Z to the ISO OATT to commence an optional feasibility study or system impact study, (B) Connecting Transmission Owner has confirmed receipt of the complete data provided by the Interconnection Customer that is required for the performance of the applicable study, and (C) the ISO has provided to the Connecting Transmission Owner the base case required for the applicable optional feasibility study or system impact study.

then the ISO, in coordination with the Connecting Transmission Owner, shall proceed using Reasonable Efforts to commence or complete the applicable study unless the Interconnection Customer informs the ISO not to commence or to terminate the study. The ISO shall retain the Queue Position for the Interconnection Request for the Small Generating Facility for the duration of the study and shall withdraw the Interconnection Request from the Queue upon the completion or termination of the study. If the optional feasibility study or

system impact study is not completed prior to the end of the Application Window for the Transition Cluster Study Process, then the ISO shall terminate the study and shall withdraw the Interconnection Request for the Small Generating Facility from the Queue.

40.3.1.5.1 An Interconnection Customer which Small Generating Facility is subject to an optional feasibility study or system impact study under Section [40.3.1.5] cannot submit an Interconnection Request for the same project or a project using the same Site Control in the Application Window of the Transition Cluster Study Process until the study performed in accordance with Section [40.3.1.5] is completed or terminated.

40.3.1.6 If, prior to the effective date of the Standard Interconnection Procedures, an Interconnection Customer's Large Facility that is not participating in the Class Year Study for Class Year 2023 either:

(i) has commenced an Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study in accordance with the interim transition procedures set forth in Section 30.5.3 of Attachment X to the ISO OATT, or

(ii) has (A) satisfied the requirements in Section 30.5.3 of Attachment X to commence an Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study, (B) Connecting Transmission Owner has confirmed receipt of the complete data provided by the Interconnection Customer that is required for the performance of the applicable study, and (C) the ISO has provided to the Connecting Transmission Owner the base case required for the applicable study,

then the ISO, in coordination with the Connecting Transmission Owner, shall proceed using Reasonable Efforts to commence or complete the study unless the Interconnection

Customer informs the ISO not to commence or to terminate the study. The ISO shall retain the Queue Position for the Interconnection Request for the Large Facility for the duration of the study and shall withdraw the Interconnection Request from the Queue upon the completion or termination of the study. If the Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study is not completed prior to the end of the Application Window for the Transition Cluster Study Process, then the ISO shall terminate the study and shall withdraw the Interconnection Request for the Large Facility from the Queue.

40.3.1.6.1 An Interconnection Customer which Large Facility is subject to an Optional Feasibility Interconnection Study, System Reliability Impact Study, or Optional System Reliability Impact Study under Section [40.3.1.6] cannot submit an Interconnection Request for the same project or a project using the same Site Control in the Application Window of the Transition Cluster Study Process until the study performed in accordance with Section [40.3.1.6] is completed or terminated.

40.3.1.7 If the ISO commenced a system impact study of the Affected System impacts on the New York State Transmission System of a generation project that is interconnecting to another region's transmission system that is not completed prior to the effective date of the Standard Interconnection Procedures, the ISO shall complete the study in accordance with the agreed upon terms of such study. If the study identifies upgrades are required on the New York State Transmission System, the developer may submit a Transmission Interconnection Application for the upgrade in accordance with the requirements in Attachment P to the ISO OATT and ISO Procedures.

40.3.1.8 For purposes of the performance and the completion or termination of an interconnection study in accordance with Sections [40.3.1.4, 40.3.1.5, or 40.3.1.6], the ISO will perform such studies and invoice study costs and reconcile final payments and any deposit refunds in accordance with the applicable requirements for such study in Attachments X, S, or Z to the ISO OATT unless otherwise indicated in this Section [40.3.1].

40.3.1.9 All projects that remain in the Queue following the effective date of the Standard Interconnection Procedures in accordance with the transition requirements in this Section [40.3.1] shall be subject to the requirements in this Attachment HH to the ISO OATT except as otherwise indicated in this Section [40.3.1].

40.3.2 New Transmission Provider

If the ISO transfers its control of the New York State Transmission System to a successor transmission provider during the period when an Interconnection Request is pending, the ISO shall transfer to the successor transmission provider any amount of the deposit or payment with interest thereon that exceeds the cost that it incurred to evaluate the request for interconnection. Any difference between such net amount and the deposit or payment required by these ~~Standard~~Large Facility Interconnection Procedures shall be paid by or refunded to the Interconnection Customer~~Developer~~, as appropriate. The ISO shall coordinate with the successor transmission provider to complete any Interconnection Request (including Interconnection Studies), as appropriate, that the ISO has begun but has not completed. If the ISO has tendered a draft Standard ~~Large-Generator~~ Interconnection Agreement to the Interconnection Customer~~Developer~~ but the Interconnection Customer~~Developer~~ has not either executed that interconnection agreement or requested the filing of an unexecuted Standard ~~Large Generator~~ Interconnection Agreement with FERC, unless otherwise provided, the

Interconnection Customer~~Developer~~ must complete negotiations with the successor transmission provider.

40.4 Pre-Application Interconnection Information Available to Prospective Interconnection Customers

40.4.1 ~~Publicly Posted Interconnection Information~~ Heatmap.

Commented [A1]: NYISO Comment: Inserted FERC heatmap pro forma language from Section 6.1 from Order 2023 Pro Forma.

The ~~ISO~~Transmission Provider shall maintain and make publicly available: (1) an interactive visual representation of the estimated incremental injection capacity (in megawatts) available at each point of interconnection ~~in~~on the New York State Transmission System ~~Transmission Provider's footprint~~ under N-1 conditions, and (2) a table of metrics concerning the estimated impact of a potential Generating Facility on the New York State~~Transmission Provider's~~ Transmission System based on a user-specified addition of a particular number of megawatts at a particular voltage level at a particular point of interconnection. At a minimum, for each transmission facility impacted by the user-specified megawatt addition, the following information will be provided in the table: (1) the distribution factor; (2) the megawatt impact (based on the megawatt values of the proposed Generating Facility and the distribution factor); (3) the percentage impact on each impacted transmission facility (based on the megawatt values of the proposed Generating Facility and the facility rating); (4) the percentage of power flow on each impacted transmission facility before the injection of the proposed project; (5) the percentage power flow on each impacted transmission facility after the injection of the proposed Generating Facility. These metrics must be calculated based on the power flow model of the New York State Transmission System with the transfer simulated from each point of interconnection to the whole ~~Transmission Provider's footprint~~New York State Transmission System (to approximate ~~Network~~Energy Resource Interconnection Service), and with the incremental capacity at each point of interconnection decremented by the existing and queued Generating Facilities and with the incremental capacity at each point of injection for a Class Year Transmission Facility or Cluster Study Transmission Facility (based on the existing or

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

requested interconnection service limit of the generation). The information contained in the heatmap is solely for information purposes. An entity seeking ERIS and/or CRIS must do so pursuant to the requirements in this Attachment HH. These metrics must be updated within thirty (30) Calendar Days after the completion of ~~each~~ the latter of the Final Decision Period or the Additional SDU Study Decision Period ~~Cluster Study and Cluster Restudy~~. This information must be publicly posted, without a password or a fee. The website will define all underlying assumptions, including the name of the most recent Cluster Study ~~or Restudy~~ used in the Base Case. The ISO will make this information required by this Section [40.4.1] available beginning thirty (30) Calendar Days after the conclusion of the latter of the Final Decision Period or the Additional SDU Study Decision Period for the Transition Cluster Study.

40.4.2 **Pre-Application Report**

40.4.2.1 An entity may request a Pre-Application Report for information regarding the proposed interconnection of a Generation Facility or Cluster Study Transmission Project at a particular point on the New York State Transmission System or Distribution System. To request a Pre-Application Report, the entity must submit to the ISO: (i) a fully completed and executed Pre-Application Request Form, in the form set forth in Appendix [4] to this Attachment HH, and (ii) a non-refundable pre-application fee of \$5,000 in cash for each point of interconnection, which fee shall be provided in accordance with Section [40.2.4.1]. The requesting entity may request through a single Pre-Application Request Form information concerning up to two points of interconnection. The requesting entity must submit an additional Pre-Application Request Form and applicable fee to request information about additional points of interconnection. An entity may submit a Pre-Application Request Form to the ISO at any time, except for within the period commencing forty-five (45) days prior to, as applicable, the Cluster Study Process Start

Commented [A2]: NYISO Comment: Incorporated and modified pre-application language from Section 32.1.2.2 of Att. Z.

IITF February 16, 2024 Working Draft
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Date or Transition Cluster Study Process Start Date and through the completion of the Application Window for that Cluster Study Process or Transition Cluster Study Process.

40.4.2.2 Upon the ISO's receipt of a fully completed and executed Pre-Application Request Form and the application fee from the requesting entity, the ISO will provide within five (5) Business Days a copy of the Pre-Application Request Form to the Connecting Transmission Owner. The application fee shall be divided between the ISO and the Connecting Transmission Owner and any Affected Transmission Owner(s) as follows: 25% to the ISO and 75% to the Connecting Transmission Owner and any Affected Transmission Owner(s), which 75% will be allocated by the Connecting Transmission Owner and any Affected Transmission Owner(s) among themselves.

40.4.2.3 The Transmission Owner will respond to the ISO within five (5) Business Days confirming whether it is the appropriate Connecting Transmission Owner and, if so, identifying any Affected Transmission Owner(s) to the extent known at that time. Upon a Transmission Owner's confirmation that it is the appropriate Connecting Transmission Owner, it will coordinate with the requesting entity and any Affected Transmission Owner(s) to establish a date agreeable to those entities for a pre-application scoping meeting. If the identified Transmission Owner informs the ISO that it is not the appropriate Connecting Transmission Owner or Affected Transmission Owner, the ISO will provide within five (5) Business Days a copy of the Pre-Application Request Form to, as applicable, the appropriate Connecting Transmission Owner. The Connecting Transmission Owner shall complete, in coordination with any Affected Transmission Owner(s), and return to the requesting entity the Pre-Application Report within twenty-five (25) Business Days after the pre-application scoping meeting.

IITF February 16, 2024 Working Draft
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40.4.2.4 The Pre-Application Report shall be in the form set forth in Appendix [4] to this Attachment HH. The Connecting Transmission Owner shall, in good faith, complete the Pre-Application Report with the best information available at the time of the report to the extent readily available data exists. The Pre-Application Report process does not obligate the ISO, Connecting Transmission Owner, or Affected Transmission Owner(s) to conduct a study or perform other analysis of the proposed interconnection of the Facility in the event the data is not readily available. If the Connecting Transmission Owner cannot complete all or some of the Pre-Application Report due to lack of available data, the Connecting Transmission Owner shall provide the requesting entity with a Pre-Application Report that includes the data that is available. The information included in the report is preliminary and non-binding, may be outdated by the time an Interconnection Request is submitted, and does not confer any rights on the part of the requesting entity or any obligations on the ISO, Connecting Transmission Owner, or Affected Transmission Owner(s). If the ISO, in consultation with the relevant Connecting Transmission Owner, determines that the proposed interconnection does not appear to be subject to the ISO's Standard Interconnection Procedures, the Connecting Transmission Owner will inform the requesting entity that its proposed interconnection is not subject to the Standard Interconnection Procedures, and the Connecting Transmission Owner will provide the requesting entity with the Pre-Application Report completed to the extent possible.

40.4.2.5 An entity is not required to request a Pre-Application Report to submit an Interconnection Request for its Facility to the ISO during an Application Window. Notwithstanding a Pre-Application Report, an entity must satisfy the Standard Interconnection Procedures in this Attachment HH to interconnect its Facility to the New York State Transmission System or Distribution System. If the Pre-Application Request Form seeks

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

information about a point of interconnection that is not subject to the Standard Interconnection Procedures, the entity shall follow the applicable state tariff, rules, or procedures regarding generator interconnections.

*IITF February 16, 2024 Working Draft
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~~40.5.30.3~~ Cluster Study Process Start Date/Application Window/ Interconnection Requests/ Interconnection Service Options

~~40.5.130.3.1~~ Start Date for Transition Cluster Study Process and Subsequent Cluster Study Processes

40.5.1.1 The Transition Cluster Study Process shall commence on the Transition Cluster Study Process Start Date, which shall be July 1, 2024.

40.5.1.2 Each subsequent Cluster Study Process shall commence on the Cluster Study Process Start Date for that Cluster Study Process.

40.5.1.3 For Cluster Study Processes after the Transition Cluster Study Process, the Cluster Study Process Start Date shall be fifteen (15) Calendar Days prior to scheduled date for the ISO's presentation of the Cluster Study Report for the Operating Committee's approval. The date will be set as follows. Within thirty (30) Calendar Days of the commencement of the Phase 2 Study of the Transition Cluster Study Process or a subsequent Cluster Study Process, the ISO will provide a preliminary schedule for the next Cluster Study Process, including a preliminary Cluster Study Process Start Date based on the then-scheduled date for the ISO's presentation of the Cluster Study Report to the Operating Committee. Sixty (60) Calendar Days prior to the latest scheduled date of the ISO's presentation of the Cluster Study Report to the Operating Committee, the ISO shall provide the final Cluster Study Process Start Date using that scheduled Operating Committee date.

If the ongoing Cluster Study, including the Final Decision Round of the Final Decision Period, takes longer than scheduled to be completed, then the ISO shall extend the Customer Engagement Window for the next Cluster Study Process by the number of additional days required to complete the prior Cluster Study, including its Final Decision Period.

Commented [A1]: NYISO Comment: NYISO is still reviewing the mechanism for establishing subsequent Cluster Study Cluster start dates to ensure alignment with other process steps and may propose further revisions

IITF February 16, 2024 Working Draft
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40.5.1.4 The ISO shall provide notice of the Transition Cluster Study Process Start Date and subsequent Cluster Study Process Start Dates and schedule by: (i) sending notice of the start date and schedule to those registered through the ISO to be on the distribution lists for the NYISO Operating Committee and its subcommittees and (ii) posting notice on its website of the start date.

40.5.2 Transition Cluster Study Process

The Transition Cluster Study Process shall be conducted in accordance with the requirements for the Cluster Study Process set forth in this Attachment HH except as otherwise indicated in this Attachment HH.

40.5.3 Application Window Duration

40.5.3.1 The Application Window shall commence, as applicable, on the Transition Cluster Study Process Start Date or Cluster Study Process Start Date.

40.5.3.2 The Application Window shall be a forty-five (45) Calendar Day period for a Cluster Study Process; *provided, however,* the period shall be a one hundred five (105) Calendar Day period for the Transition Cluster Study Process.

40.5.4 Submission of Interconnection Request or CRIS-Only Request in Application Window~~General~~

The ISO will only process an Interconnection Request or CRIS-Only Request that is submitted by an Interconnection Customer during an Application Window, except for CRIS-Only Requests to obtain or increase CRIS that are not subject to a Cluster Study Process. An Interconnection Customer may submit an Interconnection Request or CRIS-Only Request for a project that is subject to the Standard Interconnection Procedures as set forth in Section [40.2.3] to join the Cluster evaluated for that particular Cluster Study Process. To submit an

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Interconnection Request or CRIS-Only Request, an Interconnection Customer must satisfy the applicable submission requirements in Section [40.5.5].

40.5.4.1 Contingent Projects

40.5.4.1.1 If an Interconnection Customer's project is participating in a Class Year Study, Cluster Study, Additional SDU Study, or Small Generator facilities study that is ongoing during the Application Window for the next Cluster Study Process ("Pending Project"), then the Interconnection Customer may submit during that Application Window for the next Cluster Study Process an Interconnection Request or CRIS-Only Request for a Cluster Study Project that is the same as the Pending Project (e.g., same technical data, modeling, Point of Interconnection, and site), which project shall be labeled as a "Contingent Project" with its own Queue Position. An Interconnection Customer's submission of a Contingent Project will not replace, or require the withdrawal, of the Interconnection Request or CRIS-Only Request for the Pending Project.

40.5.4.1.2 The Interconnection Customer must satisfy for the Contingent Project all of the same Interconnection Request or CRIS-Only Request requirements set forth in Section [40.5.5] as are required for an entirely new project, including, but not limited to, satisfying the non-refundable Application Fee, Study Deposit, and Site Control requirements.

40.5.4.1.3 The Contingent Project shall be subject to all of the same requirements in the Cluster Study Process as an entirely new project except as otherwise set forth in Sections [40.5.4.1.3.1] to [40.5.4.1.3.4].

40.5.4.1.3.1 If the Pending Project is a Class Year Project or Cluster Study Project only requesting ERIS:

(i) if the Interconnection Customer accepts the SUF Project Cost Allocation or the CTOAF and SUF Project Cost Allocation required for the ERIS for the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Pending Project in the Final Decision Round of the applicable Class Year Study or Cluster Study, then the ISO shall withdraw the Contingent Project, and the Contingent Project shall not be assessed a Withdrawal Penalty for this withdrawal; or

(ii) if the Interconnection Customer withdraws the Pending Project prior to the applicable Final Decision Round or does not accept the cost allocation described in subpart (i), then the Contingent Project shall continue **as a Cluster Study Project** in the new Cluster Study Process and shall be subject to all of the same requirements in the Cluster Study Process as any other project, including the option to **modify its Point of Interconnection pursuant to Section [40.7.2.3], and will be subject to any applicable Withdrawal Penalties if it withdraws or is deemed withdrawn.**

40.5.4.1.3.2 If the Pending Project is a Class Year Project or Cluster Study Project only requesting CRIS:

(i) if the Interconnection Customer accepts the SDU Project Cost Allocation or Deliverable MWs for the fully requested CRIS amount for the Pending Project in the Final Decision Round of the later of the applicable Class Year Study, Cluster Study, or Additional SDU Study, then the ISO shall withdraw the Contingent Project, and the Contingent Project shall not be assessed a Withdrawal Penalty for this withdrawal; or

(ii) if the Interconnection Customer withdraws the Pending Project prior to the applicable Final Decision Round or does not accept the cost allocation or Deliverable MWs described in subpart (i), then the Contingent Project shall

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

continue as a CRIS-Only Cluster Study Project in the new Cluster Study Process for purposes of obtaining the megawatts of requested CRIS that it did not obtain in the prior study and shall be subject to all of the same requirements in the Cluster Study Process as any other project, including any applicable Withdrawal Penalties if it withdraws or is deemed withdrawn.

40.5.4.1.3.3 If the Pending Project is a Class Year Project or Cluster Study Project requesting both ERIS and CRIS:

(i) if the Interconnection Customer (A) accepts the SUF Project Cost Allocation or the CTOAF and SUF Project Cost Allocation for the ERIS for the Pending Project in the Final Decision Round of the later of the applicable Class Year Study, Cluster Study, or Additional SDU Study, and (B) accepts the SDU Project Cost Allocation or the Deliverable MWs required for the fully requested CRIS amount for the Pending Project in the later of the applicable Class Year Study, Cluster Study, or Additional SDU Study, then the ISO shall withdraw the Contingent Project, and the Contingent Project shall not be assessed a Withdrawal Penalty for this withdrawal; or

(ii) if the Interconnection Customer withdraws the Pending Project prior to the applicable Final Decision Round for ERIS or does not accept the cost allocation described in subpart (i)(A), then the Contingent Project shall continue as a Cluster Study Project in the new Cluster Study Process and shall be subject to all of the same requirements in the Cluster Study Process as any other project, including the option to modify its Point of Interconnection pursuant to Section

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.7.2.3], and will be subject to any applicable Withdrawal Penalties if it withdraws or is deemed withdrawn, or

(iii) if the Interconnection Customer accepts the cost allocation for ERIS as described in subpart (i), but does not accept the SDU Project Cost Allocation or the Deliverable MWs required for the fully requested CRIS amount described in subpart (i), then the Contingent Project shall be converted into a CRIS-Only Cluster Study Project for its evaluation in the Cluster Study Process for the megawatts of requested CRIS not obtained by the Pending Project in the prior study. In such case, the ISO shall, upon Interconnection Customer's request, refund to Interconnection Customer any refundable cash portion of, or coordinate with Interconnection Customer to amend any letter of credit for, any Study Deposit amount, Readiness Deposit(s), and Site Control Deposit that the Interconnection Customer provided for the Contingent Project that is not required for a CRIS-Only Cluster Study Project. If Interconnection Customer informs the ISO that it will not proceed as a CRIS-Only Cluster Study Project prior to electing to enter the Phase 1 Study, then the ISO shall withdraw the project, and the project shall not be assessed a Withdrawal Penalty for this withdrawal.

40.5.4.1.3.4 If the Pending Project is a Small Generating Facility subject to an Small Generator facilities study:

(i) if: (A) the facilities study is completed prior to the end of the Application Window for the Transition Cluster Study Process, and (B) the Interconnection Customer accepts its cost allocation for the System Upgrade Facilities cost allocation following the issuance of the final report in accordance

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

with Section 32.3.5.7 of Attachment Z, then the ISO shall withdraw the Contingent Project, and the Contingent Project shall not be assessed a Withdrawal Penalty; or

(ii) if: (A) the Interconnection Customer withdraws the Pending Project prior to the completion of the facilities study, (B) the Interconnection Customer does not accept the cost allocation for the Pending Project described in subpart (i), or (C) the facilities study for the Pending Project is not completed prior to the end of the Application Window for the Transition Cluster Study Process and is terminated by the ISO, then the Contingent Project shall continue **as a Cluster Study Project** in the new Cluster Study Process and be subject to all of the same requirements in the Cluster Study Process as any other project, including the option to **modify its Point of Interconnection pursuant to Section [40.7.2.3], and will be subject to any applicable Withdrawal Penalties if it withdraws or is deemed withdrawn.**

~~A Developer proposing to interconnect a new Large Facility to the New York State Transmission System or to the Distribution System, or proposing to materially increase the capacity of, or make a material modification to the operating characteristics of, an existing Large Facility that is interconnected to the New York State Transmission System or to the Distribution System shall submit to the ISO an Interconnection Request in the form of Appendix 1 to these Large Facility Interconnection Procedures.~~

~~The requirement to submit an Interconnection Request applies to all Large Facilities seeking evaluation under this Attachment X to the ISO OATT, including (1) material~~

Commented [A2]: NYISO Comment: Moved up to Section 40.2.3.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

modifications; (2) increases in capacity that results in total output in excess of 20 MW; and (3) Transmission Projects initially evaluated pursuant to Attachment P to the ISO OATT that have submitted a Transmission Interconnection Application and application fee in accordance with Attachment P to the ISO OATT and that elect to transition to the Large Facility Interconnection Procedures in order to request CRIS. An increase in the capacity of an existing Large Facility is a material increase for purposes of this Section 30.3.1 unless the increase (a) is not associated with any equipment changes or is associated with equipment changes determined by the ISO to be non-material; and (b) is an increase in the Large Facility's baseline ERI level that is equal to or less than ten (10) megawatts or five (5) percent, whichever is greater. For purposes of this Section 30.3.1, the baseline ERI level of an existing Large Facility is (a) the greater of (i) the existing Large Facility's CRIS level determined as a facility pre-dating Class Year 2007 pursuant to Section 25.9.3.1 of Attachment S of the ISO OATT, if applicable; or (ii) the final maximum summer megawatt electrical output studied for the total facility (including all Generators in a facility comprised of multiple Generators) for ERI in the ISO's interconnection process for the existing Large Facility; or (b) if neither (a)(i) nor (a)(ii) are applicable, the baseline ERI level is the value reflected in the Large Facility's interconnection agreement or other applicable documentation governing the Large Facility's interconnection; however, if the Large Facility has requested a modification to its facility to decrease its size, and such modification has been deemed nonmaterial by the ISO, the decreased MW level will be a cap on its baseline ERI. If the existing Large Facility is a BTM:NG Resource, the increase in existing capacity will be measured based on the increase from the existing gross capability of the generator to the proposed gross capability of the generator, as modified. Notwithstanding the above, if the existing Large Facility is a temperature sensitive unit, the maximum capacity of which varies

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

based on ambient temperature, the increase in existing capacity will be measured based on the largest increase from the existing capacity to the proposed capacity at the same temperature, i.e., at the same temperature along the maximum megawatt electrical output versus temperature curves.

40.5.5 Interconnection Request or CRIS-Only Request Submission Requirements

40.5.5.1 To submit an Interconnection Request or CRIS-Only Request, an Interconnection Customer must submit to the ISO the following during, and no later than the close of, the Application Window, except as otherwise indicated in Section [40.5.5.1.9].

40.5.5.1.1 Interconnection Customer must submit, as applicable, (i) a completed The Interconnection Request in the form of Appendix [1] to these Standard Large Facility Interconnection Procedures, including the required technical data, modeling, and conceptual one-line project layout, or (ii) a completed CRIS-Only Request in the form of Appendix [2] to these Standard Interconnection Procedures.

40.5.5.1.2 A Cluster Study Agreement in the form of Appendix [3] to these Standard Interconnection Procedures executed by the Interconnection Customer.

40.5.5.1.3 Interconnection Customer must submit a -must be accompanied by a non-refundable Application Fee in cash in the amount of \$10,000 in accordance with Section [40.2.4.1]; provided, however, that the Application Fee shall be \$5,000 for a CRIS-Only Cluster Study Project; provided, further, that the Interconnection Customer shall not be required to provide the Application Fee if, unless the Large

Facility is a Merchant Transmission Facility that was initially evaluated pursuant to Attachment P to the OATT, submitted a Transmission Interconnection Application and application fee in accordance with Attachment P to the OATT, and elects to

*IITF February 16, 2024 Working Draft
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transition to the Standard Large Facility Interconnection Procedures in order to request CRIS to the extent permitted by Section 22.3.2 of Attachment P to the ISO OATT. The aApplication fFee shall be divided equally between the ISO and Connecting Transmission Owner(s) as follows: 75% allocated to the ISO and 25% allocated to the Connecting Transmission Owner; provided, however, that for a CRIS-Only Cluster Study Project, 100% of the Application Fee will be allocated to the ISO.

40.5.5.1.4 Interconnection Customer must submit a Study Deposit in accordance with the requirements in Section [40.2.4] in the following amount based on the size of the proposed Facility in the Interconnection Request: (A) \$100,000 for a Facility smaller than 80 MW, (B) \$150,000 for a Facility greater than or equal to 80 MW and smaller than 200 MW, or (C) \$250,000 for a Facility greater than or equal to 200 MW; provided, however, that the Study Deposit amount shall be \$50,000 for a CRIS-Only Cluster Study Project. The MW value used to calculate the Study Deposit amount will be based on the requested ERIS amount at the Point of Interconnection for the Cluster Study Project. The ISO shall hold the Study Deposit for the duration of Interconnection Customer's participation in the Cluster Study Process, subject to the requirements set forth in Sections [40.6.5], [40.7.6], [40.10.9], [40.15.4], [40.15.5], and [40.24.3] to this Attachment HH.

40.5.5.1.5 Except as set forth in Section [40.5.5.1.5.1], Interconnection Customer: (i) must ~~demonstration of no less than ninety~~ with its Interconnection Request through materials permitted in ISO Procedures ~~full percent (90%)~~ Site Control of the Facility consistent with the acreage and other parameters for the Facility's technology type set forth in ISO Procedures and (ii) include an attestation

Commented [A3]: NYISO Comment: Insert from new FERC pro forma 3.4.2(iii) on Site Control, as revised.

*IITF February 16, 2024 Working Draft
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from an officer of the company indicating the amount of acreage covered by these Site Control materials and that such acreage is consistent with the acreage and other parameters for the Facility's technology type set forth in ISO Procedures. If: (i) the Facility is a new technology type not addressed in the ISO Procedures or (ii) the Site Control documentation provided by the Interconnection Customer is for less acreage than required for the Facility's technology type in ISO Procedures, the Interconnection Customer must instead provide under this Section [40.5.5.1.5] an attestation from an officer of the company sufficiently describing and explaining the special circumstances of the project that permits a different acreage amount for Site Control than the requirements in the ISO Procedures, along with a licensed Professional Engineer (electrical or civil) signed and stamped site plan that depicts that the Site Control provided by the Interconnection Customer can support the proposed arrangement of its Facility.

40.5.5.1.5.1 An Interconnection Customer may submit-~~or~~ (1) a signed affidavit from an officer of the company indicating that Site Control is unobtainable due to ~~Regulatory~~ Limitations as such term is defined in ISO Procedures~~by the Transmission Provider;~~ and (2) documentation sufficiently describing and explaining the source and effects of such ~~Regulatory~~ Limitations, including a description of any conditions that must be met to satisfy the ~~Regulatory~~ Limitations and the anticipated time by which Interconnection Customer expects to satisfy the regulatory requirements, and (3) a Site Control ~~d~~Deposit ~~in lieu of Site Control~~ of \$10,000 per MW, subject to a minimum of \$500,000 and a maximum of \$2,000,000 in accordance with the requirements in Section

*IITF February 16, 2024 Working Draft
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[40.2.4.2]. The MW value used to calculate the Study Deposit amount will be based on the requested ERIS amount at the Point of Interconnection for the Cluster Study Project.

40.5.5.1.5.2 Interconnection Requests from multiple Interconnection Customers for multiple Generating Facilities that share a site must include a contract or other agreement that allows for shared land use.

40.5.5.1.6 Interconnection Customer must indicate whether the Interconnection Request or CRIS-Only Request shall be studied for Energy Resource Interconnection Service and/or for Capacity Resource Interconnection Service, as further detailed in Section [40.5.6] below.

40.5.5.1.7 Interconnection Customer must specify a single Point of Interconnection for the Interconnection Request, except: (i) for a Cluster Study Transmission Project, or (ii) for a Generating Facility proposing to interconnect at two Points of Interconnection within the same Capacity Region.

40.5.5.1.8 An Interconnection Customer that submitted an Interconnection Request for an inverter-based resource that is greater than 20 MW must submit the form set forth in ISO Procedures concerning the attestations required by NYSRC Reliability Rule B.5.

40.5.5.1.9 Within ten (10) Business Days of the ISO's notification to the Interconnection Customer that the Interconnection Request for its Cluster Study Project is validated pursuant to Section 40.5.7.2.3, the Interconnection Customer must submit to the Connecting Transmission Owner and Affected Transmission Owner identified for its Cluster Study Project any technical information requested by the

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Transmission Owner in the Interconnection Request form for purposes of Connecting
Transmission Owner's and/or Affected Transmission Owner's performance of the
Phase 1 Study.

40.5.5.2 The expected Commercial Operation Date of the new ~~Large~~ Facility or
proposed increase in capacity of the existing ~~Large~~ Facility provided at the time of the
submission of the Interconnection Request shall be no more than ten (10) years from the date the
Interconnection Request is received by the ISO. Extensions of Commercial Operation Dates are
governed by Section [40.6.3.4] ~~30.4.4.5~~.

Commented [A4]: NYISO Comment: Relocated from below so that all IR requirements are in one location.

40.5.5.3 Except as permitted by the Contingent Project rules in Section [40.5.4.1], an
Interconnection Customer, or an Interconnection Customer and one of its Affiliates, cannot
propose mutually exclusive Cluster Study Projects with prior projects in the Queue or projects
proposed in the same Application Window.

40.5.5.4 An Interconnection Customer that submits to the ISO a Site Control ~~d~~ Deposit in
~~lieu of Site Control~~ due to demonstrated ~~#~~ Regulatory ~~L~~imitations must demonstrate that it is
taking identifiable steps to secure the necessary regulatory approvals from the applicable federal,
state, and/or tribal entities prior to entering the Phase 2 Study ~~before execution of the Cluster~~
~~Study Agreement~~. Such deposit will be held by the ISO ~~Transmission Provider~~ until
Interconnection Customer provides the required Site Control demonstration for its project ~~oint~~ in
the Cluster Study process. Interconnection Customers facing qualifying ~~#~~ Regulatory ~~L~~imitations
must demonstrate full one hundred percent (100%) Site Control within one-hundred eighty (180)
Calendar Days of the effective date of the Standard Interconnection Agreement ~~LGIA~~.

Commented [A5]: NYISO Comment: Incorporated from FERC Order 2023 Pro Forma Section 3.4.2, as revised.

40.5.5.5 ~~Interconnection~~ Customer shall promptly inform the ISO ~~Transmission Provider~~
of any material change to Interconnection Customer's demonstration of Site Control under

Commented [A6]: NYISO Comment: Incorporated from FERC Order 2023 Pro Forma Section 3.4.2, as revised.

IITF February 16, 2024 Working Draft
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Section ~~[40.5.5.1.5]~~3.4.2(iii) of this LGIP. If ~~the ISO Transmission Provider~~ determines, based on Interconnection Customer's information, that Interconnection Customer no longer satisfies the Site Control requirement, ~~the ISO Transmission Provider~~ shall give Interconnection Customer ten (10) Business Days to demonstrate satisfaction with the applicable requirement subject to ~~the ISO Transmission Provider's~~ approval. Absent such, ~~the ISO Transmission Provider~~ shall deem the Interconnection Request withdrawn pursuant to Section ~~[40.6.4]~~3.7 of this LGIP.

40.5.5.6 ~~The Interconnection Customer~~Developer shall submit a separate Interconnection Request for each site unless the ~~Large~~-Facility is a proposed ~~Large~~-Facility comprised of multiple Generators behind a single Point of Injection, in which case the Interconnection Customer~~Developer~~ may submit separate Interconnection Requests or a single Interconnection Request; *provided however*, a multi-unit ~~Large~~-Facility can only be evaluated under a single Interconnection Request if (1) the ~~Large~~-Facility is proposed by a single Interconnection Customer~~Developer~~; (2) the individual Generators comprising the ~~Large~~-Facility are co-located behind the same Point of Interconnection; and (3) units in the ~~Large~~-Facility propose to interconnect at two Points of Interconnection ~~the same voltage levels~~within the same Capacity Region ~~(unless, as it proposes to interconnect, the Large Facility includes either (a) a 3-winding transformer with the potential to connect to two different voltage level lines simultaneously; or (b) a combined cycle with a generator turbine and steam turbine connected at two different voltage levels).~~ An Interconnection Customer~~Developer~~ may submit multiple Interconnection Requests for a single site to the extent permitted by the Site Control requirements in this Attachment HH. The Interconnection Customer~~Developer~~ must satisfy all Interconnection Request submission requirements for ~~submit an application fee and study deposit with~~ each

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Interconnection Request even when more than one request is submitted for a single site. ~~A~~
~~proposed Large Generating Facility requesting to evaluate one site at two different voltage levels~~
~~shall require two Interconnection Requests unless the Large Generating Facility, as it proposes to~~
~~interconnect, includes either (1) a 3-winding transformer with the potential to connect to two~~
~~different voltage-level lines simultaneously; or (2) a combined cycle with a generator turbine and~~
~~steam turbine connected at two different voltage levels.~~

~~At Developer's option, the ISO, Connecting Transmission Owner and Developer will~~
~~provide input regarding alternative Point(s) of Interconnection and configurations at the Scoping~~
~~Meeting to evaluate in this process and attempt to eliminate alternatives in a reasonable fashion~~
~~given resources and information available. During the Optional Interconnection Feasibility~~
~~Study, System Reliability Impact Study, or Class Year Study, as applicable, the Connecting~~
~~Transmission Owner and Affected Transmission Owner(s), identified pursuant to Section 30.3.5~~
~~of this Attachment X, shall provide input regarding proposed Point(s) of Interconnection and~~
~~configurations. Developer will select the definitive Point of Interconnection to be studied no~~
~~later than the commencement of the Interconnection System Reliability Impact Study.~~

~~A Developer seeking to return a Large Generating Facility to Commercial Operations~~
~~after it is Retired must submit a new Interconnection Request as a new facility. A Developer~~
~~returning a Large Generating Facility to service prior to the expiration or termination of its~~
~~Mothball Outage or ICAP Ineligible Forced Outage need not submit a new Interconnection~~
~~Request unless the Large Generating Facility is making modifications or is increasing its~~
~~capacity such as would otherwise trigger a new Interconnection Request for an existing Large~~
~~Generating Facility.~~

*IITF February 16, 2024 Working Draft
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40.5.6.3.2 Types of Interconnection Service

40.5.6.1.3.2.1 Two Types of Service

~~The ISO offers~~ Two types of interconnection service may be requested under the Standard Interconnection Procedures: (1) Energy Resource Interconnection Service ~~under the Large Facility Interconnection Procedures~~ for interconnection in compliance with the NYISO Minimum Interconnection Standard; and (2) ~~The ISO also offers CRIS under the Large Facility Interconnection Procedures~~ Capacity Resource Interconnection Service for interconnection in compliance with the NYISO Deliverability Interconnection Standard.

40.5.6.2.3.2.2 Service Elections, Generally

All ~~Large~~ Facilities must interconnect in compliance with the NYISO Minimum Interconnection Standard. In addition, ~~Large~~ Facilities must also comply with the NYISO Deliverability Interconnection Standard before ~~Large~~ Generating Facilities can become qualified Installed Capacity Suppliers and before ~~Cluster Study~~ ~~Class Year~~ Transmission Projects can receive Unforced Capacity Deliverability Rights. An ~~Interconnection Customer~~ ~~Developer~~ initially states its election to be evaluated in ~~the Cluster Study~~ ~~its Interconnection Studies~~ for ERIS alone, or for both ERIS and CRIS, as a part of its Interconnection Request. For Projects comprised of multiple Generators, an ~~Interconnection Customer~~ ~~Developer~~ must request ERIS for the ~~Large~~ Facility, such ERIS to be allocated among the multiple Generators comprising the ~~Large~~ Facility as requested by ~~Interconnection Customer~~ ~~Developer~~ in its Interconnection Request; *provided however*, the requested allocation for ERIS for the Intermittent Power Resource in a Co-located Storage Resource cannot exceed the Point of Injection limit plus the full withdrawal capability of the Energy Storage Resource. An existing ~~Large~~ Generating Facility requesting only CRIS must request CRIS in an ~~Open Class Year~~ ~~Cluster~~ Study or an Expedited Deliverability Study unless it is requesting CRIS pursuant to Section

Commented [A7]: NYISO Comment: NYISO consolidated in this Section 40.5.6 the ERIS/CRIS options described across Attachment S, X, and Z.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~30.3.2.6 of this Attachment X. The ISO evaluates an Interconnection Request for compliance with the Minimum Interconnection Standard throughout the Interconnection Study process. The ISO evaluates an Interconnection Request for compliance with the Deliverability Interconnection Standard formally during the Class Year Deliverability Study. At other times during the Interconnection Study p~~rocess~~, during the Optional Interconnection Feasibility Study and the Interconnection System Reliability Study, the ISO will assist any Developer requesting CRIS to assess potential system deliverability issues by providing the Developer, upon its request, with the Annual Transmission Reliability Assessment~~case from the most recently completed Class Year Deliverability Study. The Developer may modify its interconnection service evaluation election (whether the Large Facility requests ERIS or ERIS and CRIS) and, for Large Facilities comprised of multiple Generators, the requested allocation of ERIS and or CRIS among its multiple units, to the extent the modification is not a Material Modification, when it executes the Class Year Study Agreement for its project in accordance with Section 30.8.1 of these Large Facility Interconnection Procedures. At that time, the Developer may reduce the number of MW it initially requested to be evaluated for CRIS, and such a reduction shall not constitute a Material Modification.~~—.~~

40.5.6.3~~30.3.2.3~~ **ERIS Elections**

~~A Large Facility that elects ERIS, and not CRIS, will not be able to become an eligible Installed Capacity Supplier or to receive Unforced Capacity Deliverability Rights. Such a Large Facility will be eligible to participate only in the energy and applicable ancillary service markets. When an Interconnection Customer~~~~Developer~~ elects ERIS, its project will be evaluated in the Cluster Study~~Interconnection Studies~~ at full output (i.e., the maximum capacity the Facility is capable of injecting at the Point of Interconnection), unless the Interconnection

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

CustomerDeveloper requests ERIIS below the full Generating Facility Capacity ~~generating capacity~~ of a ~~Large~~ Generating Facility or full facility capacity for a Cluster Study ~~Class-Year~~ Transmission Project. If the Interconnection CustomerDeveloper requests ERIIS below the full Generating Facility Capacity ~~capacity~~ of the ~~Large~~ Facility, the ISO shall study the ~~Large~~ Facility at the requested ERIIS for purposes of Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and associated costs. However, if the maximum capacity that the ~~Large~~ Facility is capable of injecting ~~into the New York State Transmission System (or Distribution System as applicable~~ at the Point of Interconnection) is limited (i.e., through the use of control system, power relay(s), or other similar device settings or adjustments), then the Interconnection CustomerDeveloper must obtain the ISO's and Connecting Transmission Owner's agreement, with such agreement not to be unreasonably withheld, that the manner in which the Interconnection CustomerDeveloper proposes to implement such a limit will not adversely affect the safety and reliability of the New York State Transmission System (or Distribution System as applicable). If the ISO and Connecting Transmission Owner do not agree with the proposed manner to limit output, then the Interconnection CustomerDeveloper can either withdraw its Interconnection Request or modify its Interconnection Request to specify the maximum capacity that the ~~Large~~ Facility is capable of injecting into the New York State Transmission System (or Distribution System as applicable) without such limitations. The ISO and Connecting Transmission Owner, based on Good Utility Practice and related engineering considerations and after accounting for any control technology proposed by the Interconnection CustomerDeveloper, may require further studies of the ~~Large~~ Facility at its full output to ensure the safety and reliability of the New York State Transmission System (or Distribution System as applicable), with the additional study costs borne by the Interconnection CustomerDeveloper.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

The ISO and Connecting Transmission Owner shall provide the [Interconnection Customer](#) ~~Developer~~ with an explanation of its determination to perform studies at the ~~Large~~ Facility's full capacity before beginning such studies. If the ISO and Connecting Transmission Owner determine that additional System Upgrade Facilities are necessary after the additional studies are complete, the ISO and Connecting Transmission Owner must: (1) specify which additional System Upgrade Facilities costs are based on which studies; and (2) provide a detailed explanation of why the additional System Upgrade Facilities are necessary. The [Interconnection Customer](#) ~~Developer~~ may be responsible for additional System Upgrade Facilities and/or additional control technologies, as well as testing and validation of those technologies consistent with Article 6 of its [Standard](#) Interconnection Agreement. The necessary control technologies and protection systems, as well as any potential penalties for exceeding the level of ERIIS established in the executed, or requested to be filed unexecuted, Standard ~~Large Generator~~ Interconnection Agreement, shall be set forth in Appendix C of the executed, or requested to be filed unexecuted, Standard ~~Large Generator~~ Interconnection Agreement.

When an [Interconnection Customer](#) ~~Developer~~ elects ~~ERIS and~~ interconnects under ERIIS ~~only~~, the [Interconnection Customer](#) ~~Developer~~ may at a later date [request CRIS in accordance with the Standard Interconnection Procedures](#) ~~ask the ISO to reevaluate the Large Facility for CRIS by including the Large Facility in a Class Year Study or Expedited Deliverability Study.~~

[40.5.6.4](#) ~~30.3.2.4~~ CRIS Elections

[When an Interconnection Customer requests CRIS,](#) ~~(The amount of CRIS requested by a~~ ~~Developer~~ shall be stated in MW of Installed Capacity ("ICAP"), and cannot exceed the permissible levels set forth in Section [\[40.5.6.5\]](#) ~~25.8.1 of Attachment S to the ISO OATT.~~ When an [Interconnection Customer](#) ~~Developer~~ elects CRIS, the ISO will evaluate the deliverability of

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

the ~~Large~~-Facility by applying the test methodology described in Section ~~[40.13]~~25.7 of ~~Attachment S to the ISO OATT~~; provided, however, requests for CRIS for a Facility 2 MW or smaller or for an increase in CRIS permitted by Section [40.5.6.6] will not be evaluated for deliverability under the NYISO Deliverability Interconnection Standard. The ISO will apply this test methodology to identify the System Deliverability Upgrades, if any, needed to make the ~~Large~~-Facility deliverable at its requested CRIS MW level and will also identify the MW of Installed Capacity, if any, that are deliverable from the ~~Large~~-Facility with no System Deliverability Upgrades. A ~~Large~~-Facility electing CRIS will be able to become a qualified Installed Capacity Supplier or receive Unforced Capacity Deliverability Rights to the extent of its deliverable capacity, once it has paid cash or provided Security for~~funded or committed to fund~~ any required System Deliverability Upgrades in accordance with the relevant provisions of Attachment ~~HHS~~ to the ISO OATT. An Interconnection Customer ~~Developer~~ qualifying for CRIS will have two CRIS values: one for the summer capability period and one for the winter capability period. The CRIS value, in MW of Installed Capacity, for the summer capability period will be set using the deliverability test methodology and procedures described in Section ~~[40.13]~~25.7 of ~~this~~ Attachment ~~HHS to the ISO OATT~~. The CRIS value for the winter capability period, also in MW of Installed Capacity, will be set in accordance with Section ~~[40.13.6]~~25.7.6 of ~~this~~ Attachment ~~HHS to the ISO OATT~~.

~~30.3.2.5 — Partial CRIS Service~~

~~A Developer may elect partial CRIS, measured in whole MW of Installed Capacity, for its Large Facility.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.5.6.5~~25.8.1~~ Maximum Requested CRIS and Project Cost Allocation Figures

~~Starting with the Class Year subsequent to Class Year 2012, each Developer entering a Class Year Study or Expedited Deliverability Study whose Project is not yet In Service will specify an Interconnection Service evaluation election and provide an updated In Service Date and Commercial Operation Date (subject to the limitations set forth in Sections 30.3.3.1 and 30.4.4.5 of Attachment X) when it completes a Class Year Study Agreement or Expedited Deliverability Study Agreement. For Large Facilities and Small Generating Facilities that are required to enter a Class Year Study pursuant to Section 32.3.5.3.2 of Attachment Z to the ISO OATT, in the Class Year Study Agreement, must elect to be evaluated for ERIIS. Any Project entering a Class Year Study may request CRIS. If the Developer elects to be evaluated for CRIS,~~
the~~The~~ maximum permissible requested~~requested~~ MW of CRIS an Interconnection Customer may request
are subject to the following limitations level of CRIS is as follows:

- (iv) (i) if the ~~Class Year Project~~Facility is a proposed BTM:NG Resource, ~~it can elect to be evaluated for ERIIS alone, or both ERIIS and some~~ the requested MW level of CRIS ~~cannot to~~ cannot exceed its Net ICAP;
- (ii) if the Facility is a proposed ~~Class Year Project is a~~ Resource with Energy Duration Limitations, the requested MW level of CRIS cannot exceed the minimum of the following: (a) its expected maximum injection capability in MW for the Interconnection Customer~~Developer-selected~~ duration; (b) the nameplate capacity of the Project (i.e., injection capability of the Project expressed in MW); or (c) the sum of the Project's requested and existing ERIIS, as applicable;
- (iii) if the Facility is a Cluster Study Transmission Project ~~Class Year Project is a~~ requesting ~~for~~ for External-to-ROS Deliverability Rights, ~~it can request a~~ the requested MW level of CRIS ~~cannot to~~ cannot exceed the anticipated increase in

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

transfer capability created by its associated ~~Class Year~~ Cluster Study Transmission Project, ~~as demonstrated in the Project's System Reliability Impact Study.~~

- (iv) if the ~~Class Year Project is a facility~~ Facility is comprised of multiple ~~units~~ Generators of the same or different technology type (e.g., Co-located Storage Resource or single technology facility with multiple units, each proposed to be assigned a single PTID), the requested MW level of CRIS must be requested at the ~~Facility~~ Facility level (i.e., corresponding to the ~~Facility Project~~ as described in the Interconnection Request or CRIS-Only Request, as applicable), ~~or revised Interconnection Request, as applicable~~, subject to the limitations below. The MW level of CRIS for a Project comprised of multiple Generators (e.g., Co-located Storage Resource or single technology facility with multiple units, each proposed to be assigned a single PTID) will be determined at the facility (i.e., Project) level and shall be allocated among the multiple Generators, as requested by Interconnection Customer ~~Developer~~; provided, however, (to the extent permissible under Section 25.8.1 of this Attachment S). The Project's CRIS and allocation of CRIS among its units, as applicable, will be specified by ISO in the Class Year Deliverability Study report approved by the ISO Operating Committee. ~~The~~ requested MW level of CRIS ~~requested by the Developer~~ cannot exceed the minimum of the following: (a) the expected maximum injection capability in MW for the ~~Project~~ Facility as described in the Interconnection Request or CRIS-Only Request, as applicable, ~~as revised if applicable~~, including all co-located Generators sharing the same injection limit (e.g., the entire Distributed Energy Resource, the entire Co-located Storage Resource or the entire

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

multi-unit single technology resource); *provided*, however, if the Project includes a Resource with Energy Duration Limitation, its expected maximum injection capability in MW is limited by the Interconnection Customer-Developer-selected duration); (b) the nameplate capacity of the ~~Project~~-Facility (i.e., collective injection capability of all units within the proposed ~~Project~~-Facility expressed in MW); or (c) the sum of the Ffacility's requested and existing ERIS, as applicable; and

- (v) If the above subsections do not apply to the ~~Class Year Project~~-Facility, -the requested MW level of CRIS cannot exceed the nameplate capacity of the ~~Project~~-Facility.

~~If the Class Year Project is existing and/or already interconnected taking ERIS, the Class Year Project will be evaluated for a MW level of CRIS specified by the Developer, not to exceed the permissible levels of CRIS that may be requested pursuant to this Section 25.8.1.~~ For existing facilities proposing a modification to add a Generator of the same or different technology co-located at the same Point of Interconnection for which the Interconnection Customer-Developer requests CRIS, -the collective CRIS of the resources within what will be the modified facility (e.g., the resulting Co-located Storage Resource or Distributed Energy Resource) cannot exceed the injection limit of the co-located units. For a ~~Project~~-Facility that requests CRIS for part of a multi-unit facility, after combining with another existing or proposed co-located facility, the requested MW level of CRIS ~~for~~ cannot exceed the permissible levels of CRIS that may have been requested pursuant to this Section [40.5.6.5]~~25.8.1~~ for the entire co-located ~~F~~Facility.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.5.6.6~~30.3.2.6~~ Increases In Established CRIS Values

Any facility with an established CRIS value may at a later date, ~~without submitting a new Interconnection Request, ask the ISO to reevaluate the Large Facility for a higher level of MW of Installed Capacity~~ request an increase in CRIS, not to exceed the levels permitted by Section ~~[40.5.6.5]~~25.8.4 of Attachment ~~HHS~~ HHX. ~~An increase in CRIS may be requested, by submitting (1) including the Project in a Class Year Study a CRIS-Only Request or; (2) an Expedited Deliverability Study Request; or (3) to identify whether the Project is deliverable at the higher level of MW. Any facility with an established CRIS value may, without such evaluation and without submitting a new Interconnection Request, increase that CRIS value by a total of no more than a request for up to 2 MW of CRIS Installed Capacity during the operating life of a the facility in accordance with ISO Procedures, such request not being subject to a deliverability evaluation in a Cluster Study or Expedited Deliverability Study; provided, however, such request is subject to , to the extent such increase in CRIS does not exceed the limitations on permissible CRIS MW levels set forth in permitted by~~ Section ~~[40.5.6.5]~~30.3.2.4 of this Attachment ~~HHX~~ HHX, ~~and; provided however~~, for facilities comprised of multiple Generators, this CRIS request increase is permitted only at the facility (~~i.e., Project~~) level, not at the individual Generator level. A Project that receives a CRIS increase pursuant to this Section ~~[40.5.6.6]~~30.3.2.6, to the extent it later combines with another Generator(s) facility or Project to become a co-located resource (e.g., Co-located Storage Resources or a Distributed Energy Resource), is not eligible for any additional CRIS increase above a single increase up to 2 MW, without proceeding through a deliverability evaluation in a ~~Cluster~~ass-Year Study or Expedited Deliverability Study.

For purposes of this Section ~~[40.5.6.6]~~30.3.2.6, an “established CRIS value” for facilities subject to a CRIS set and reset period pursuant to Section ~~25.9.3.3~~40.18.2.5, Section ~~25.9.3.1.4.1~~40.18.2.5.4, Section ~~40.18.2.6.1.1~~25.9.3.1.4.2, Section 40.18.2.6.1.2, Section

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.18.2.7](#), or Section ~~25.9.3.5~~[40.18.2.5](#) of Attachment S to the ISO OATT is the final CRIS value established after the termination of the CRIS set and reset period.

~~30.3.2.7~~ — The Interconnection Studies

~~The Interconnection Studies conducted under the Large Facility Interconnection Procedures consist of short circuit/fault duty, steady-state (thermal and voltage) and stability analyses designed to identify the Attachment Facilities, Distribution Upgrades and System Upgrade Facilities required for the reliable interconnection of Large Facilities to the New York State Transmission System or to the Distribution System in compliance with the NYISO Minimum Interconnection Standard, as well as the deliverability analysis described in Attachment S to the OATT designed to identify the System Deliverability Upgrades required for reliable interconnection in compliance with the NYISO Deliverability Interconnection Standard, where applicable.~~

[40.5.7](#)~~30.3.3~~ Validation of Interconnection Request

~~30.3.3.1~~ — Initiating an Interconnection Request

~~To initiate an Interconnection Request, Developer must submit all of the following: (i) a \$10,000 non-refundable application fee; (ii) a completed application in the form of Appendix 1; and (iii) demonstration of Site Control or a posting of an additional deposit of \$10,000. If Developer provides Site Control that the ISO deems deficient, but subsequently demonstrates Site Control accepted by the ISO within the cure period specified in Section 30.3.3.3, the deposit in lieu of Site Control shall be refundable; otherwise, such deposit becomes non-refundable.~~

~~The expected Commercial Operation Date of the new Large Facility or proposed increase in capacity of the existing Large Facility provided at the time of the submission of the Interconnection Request shall be no more than ten (10) years from the date the Interconnection~~

Commented [A8]: NYISO Comment: Addressed these Interconnection Request Att. X rules above and deleted here to avoid duplication.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Request is received by the ISO. Extensions of Commercial Operation Dates are governed by Section 30.4.4.5.

40.5.7.1 ~~30.3.3.2~~ Acknowledgment and Assessment ~~Notification~~ of Interconnection Request

40.5.7.1.1 ~~The ISO shall acknowledge receipt of the Interconnection Request w~~ Within ~~ten~~ five (105) Business Days of the ISO's receipt of an Interconnection Request or CRIS-Only Request submission within an Application Window that includes all of the items required for such request set forth in Section [40.5.5] above (or within fifteen (15) Business Days for the Transition Cluster Study Process), the ISO shall:

- (i) acknowledge receipt of the request and attach a copy of the received Interconnection Request or CRIS-Only Request to the acknowledgement it returns to Interconnection Customer ~~the Developer~~;
- (ii) confirm whether all of the elements of the Interconnection Request or CRIS-Only Request comply with the requirements in Section [40.5.5]; except that for purposes of the validation, the ISO will not review for deficiencies: (i) the Facility model, for which any deficiencies will be addressed pursuant to Section [40.5.7.4], and (ii) any Connecting Transmission Owner-specific information submitted by the Interconnection Customer pursuant to Section [40.5.5.1.9], which information will be reviewed by the applicable Connecting Transmission Owner pursuant to Section [40.5.7.3];
- (iii) confirm receipt of the Interconnection Customer's payment of the Application Fee and Study Deposit;
- (iv) identify the Connecting Transmission Owner(s) with which the Facility is proposing to connect and any Affected Transmission Owner(s) that the ISO is aware of;

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

(v) ~~At the same time, the ISO shall~~ forward a copy of the Interconnection Request or the CRIS-Only Request and its acknowledgement to the Connecting Transmission Owner(s) and ~~with whom the Developer is proposing to connect~~ any Affected Transmission Owner(s) for their confirmation within the ISO's review period that they are the appropriate Connecting Transmission Owner or Affected Transmission Owner for the Interconnection Request or CRIS-Only Request ~~provided, however, that any Interconnection Request that is submitted for a proposed project subject to the ISO's competitive selection process in the ISO's Comprehensive System Planning Process in Attachment Y to the ISO OATT shall not be forwarded to the Connecting Transmission Owner(s) until the close of the applicable solicitation window.~~

(vi) if the Interconnection Request is to interconnect to a distribution facility, consult with the Connecting Transmission Owner to determine whether the Standard Interconnection Procedures apply; and

~~(vii) notify Interconnection Customer whether the Interconnection Request or CRIS-Only Request is valid or includes any deficiencies.~~

40.5.7.1.2 If the ISO determines that the Interconnection Request or CRIS-Only Request is valid, the ISO will provide Interconnection Customer with a fully executed version of the Cluster Study Agreement.

40.5.7.2 ~~30.3.3.3~~ Deficiencies in Interconnection Request or CRIS-Only Request

40.5.7.2.1 An Interconnection Request or CRIS-Only Request will not be considered to be a valid request until all items in Section [40.5.5] ~~30.3.3.1~~ have been received and confirmed by the ISO, except for any Connecting Transmission Owner-specific information submitted by the Interconnection Customer pursuant to Section [40.5.5.1.9] and the applicable solicitation window

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IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

has closed for any Interconnection Request that is submitted for a proposed project subject to the ISO's competitive selection process in the ISO's Comprehensive System Planning Process in Attachment Y to the ISO OATT. If an Interconnection Request or CRIS-Only Request fails to meet the requirements set forth in Section [40.5.5]~~30.3.3.4~~, the ISO shall notify the Interconnection Customer~~Developer~~ and Connecting Transmission Owner within the time period set forth in Section [40.5.7.1]~~ten (10) Business Days of receipt of the initial Interconnection Request~~ of the reasons for such failure and that the Interconnection Request or CRIS-Only Request does not constitute a valid request.~~However, for any Interconnection Request that is submitted for a proposed project subject to the ISO's competitive selection process in the ISO's Comprehensive System Planning Process in Attachment Y to the ISO OATT and that fails to meet the requirements set forth in Section 22.4.2.1, the ISO shall notify the Developer and the Connecting Transmission Owner(s) no later than ten (10) Business Days following the close of the applicable solicitation window.~~

40.5.7.2.2 The Interconnection Customer~~Developer~~ shall provide to the ISO the ~~additional requested~~ information required to address a deficiency identified by the ISO in accordance with Section [40.5.7.2.1] or this Section [40.5.7.2.3]~~needed to constitute a valid request~~ within ten (10) Business Days after receipt of such notice (or within fifteen (15) Business Days for the Transition Cluster Study Process), but no later than the close of the Application Window. The Interconnection Customer's submission shall be limited to addressing the identified deficiency(ies). Within ten (10) Business Days of an Interconnection Customer's submission of the additional information concerning the identified deficiency (or within fifteen (15) Business Days for the Transition Cluster Study), the ISO will review the Interconnection Customer's submitted information and, if it determine the identified deficiency has not been

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

addressed, will notify the Interconnection Customer of the remaining deficiency, which the Interconnection Customer must address in accordance with this Section [40.5.7.2.2]. The ISO shall promptly forward such additional information provided by the Interconnection Customer to the Connecting Transmission Owner and Affected Transmission Owner ~~provided, however, for any Interconnection Request that is submitted for a proposed project subject to the ISO's competitive selection process in the ISO's Comprehensive System Planning Process in Attachment Y of the ISO OATT, such information will not be forwarded to the Connecting Transmission Owner(s) until the close of the applicable solicitation window. — Failure by Developer to comply with this Section 30.3.3.3 shall be treated in accordance with Section 30.3.6.~~

40.5.7.2.3 If the ISO determines that Interconnection Customer's Interconnection Request or CRIS-Only Request is valid or that the Interconnection Customer has addressed any deficiencies identified by the ISO within the timeframe set forth in Section [40.5.7.2.2], the ISO shall notify the Interconnection Customer that the Interconnection Request or CRIS-Only Request is valid. If Interconnection Customer fails to submit additional information required by the ISO within the timeframe set forth in Section [40.5.7.2.2] or fails to fully address any deficiencies in its Interconnection Request or CRIS-Only Request prior to the completion of the Application Window, the ISO shall deem the Interconnection Request or CRIS-Only Request withdrawn pursuant to Section [40.6.4] (without the cure period provided in Section [40.6.4]).

40.5.7.3 Transmission Owner Review of Interconnection Customer's Submission of Transmission Owner-Specific Technical Information

40.5.7.3.1 For any Connecting Transmission Owner or Affected Transmission Owner-specific information requests in the Interconnection Request, the Transmission Owner shall review Interconnection Customer's submission of this information pursuant to Section

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.5.5.1.9] and shall identify any deficiencies within fourteen (14) Calendar Days of the Interconnection Customer's provision of such information in accordance with Section [40.5.5.1.9] and within ten (10) Calendar Days of any additional information submission by Interconnection Customers pursuant to Section [40.5.7.3.2]. The Transmission Owner's review of this information request is separate from the ISO's review of the validity of the Interconnection Request.

40.5.7.3.2 If the Transmission Owner identifies any deficiency, Interconnection Customer shall provide additional information to the Transmission Owner to cure such deficiency within ten (10) Calendar Days.

40.5.7.3.3 If Interconnection Customer does not cure a deficiency in the Transmission Owner-specific information prior to five (5) Business Days of the conclusion of the Customer Engagement Window, the Interconnection Request shall be withdrawn pursuant to Section [40.6.4] (without the cure period provided in Section [40.6.4]).

40.5.7.4 Subsequent Information Request

At any time following the ISO's validation of an Interconnection Request or CRIS-Only Request, if the ISO, Connecting Transmission Owner, or Affected Transmission Owner~~Transmission Provider~~ finds: (i) that the technical data provided by Interconnection Customer, including the Facility model is incomplete or contains errors or (ii) that it requires additional information from Interconnection Customer to perform its responsibilities required under this Attachment HH, then such entity shall request that Interconnection Customer provide such information. Interconnection Customer ~~and Transmission Provider~~ shall submit such information within 10 Business Days of the information request~~work expeditiously and in good faith to remedy such issues.~~ If: (i) Interconnection Customer fails to timely submit the requested

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IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

information or (ii) does not address any deficiencies with its Facility model prior to the Scoping Meeting in the Customer Engagement Window, the Interconnection Customer's Interconnection Request shall be withdrawn from the Queue.

30.3.3.4 — Scoping Meeting

~~Within ten (10) Business Days after receipt of a valid Interconnection Request, the ISO shall establish a date agreeable to Developer and Connecting Transmission Owner for the Scoping Meeting, and such date shall be no later than thirty (30) Calendar Days from receipt of the valid Interconnection Request, unless otherwise mutually agreed upon by the Parties.~~

~~The purpose of the Scoping Meeting shall be to reinforce the roles and responsibilities of all parties in the interconnection process, discuss alternative interconnection options, to exchange information including any transmission data that would reasonably be expected to impact such interconnection options, to analyze such information and to determine the potential feasible Points of Interconnection, and to determine if Developer wishes to proceed with an Optional Interconnection Feasibility Study. The ISO, Connecting Transmission Owner and Developer will bring to the meeting such technical data, including, but not limited to: (i) general facility loadings, (ii) general stability issues, (iii) general short circuit issues, (iv) general voltage issues, (v) general reliability issues, and (vi) general system protection issues, and (vii) general deliverability issues as may be reasonably required to accomplish the purpose of the meeting. The Connecting Transmission Owner and Affected Transmission Owner(s), identified pursuant to Section 30.3.5 of this Attachment X, shall provide input regarding proposed Point(s) of Interconnection and configurations. The ISO, Connecting Transmission Owner, Affected Transmission Owner(s), and Developer will also bring to the meeting personnel and other resources as may be reasonably required to accomplish the purpose of the meeting in the time~~

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IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~allocated for the meeting. On the basis of the meeting, Developer shall designate its Point of Interconnection, pursuant to Section 30.6.1, and one or more available alternative Point(s) of Interconnection. The duration of the meeting shall be sufficient to accomplish its purpose. Within five (5) Business Days after the Scoping Meeting, Developer shall advise the ISO whether it elects to proceed with an Optional Interconnection Feasibility Study; provided, however, that such requirement is subject to the interim transition timeframe and procedures for electing to proceed to an Optional Interconnection Feasibility Study set forth in Section 30.5.3.~~

~~40.5.8~~**30.3.4 OASIS Posting**

~~40.5.8.1~~**30.3.4.1** The ISO will maintain on its OASIS or a publicly accessible portion of its website a list of all valid Interconnection Requests. The list will identify, for each Interconnection Request: (i) the maximum summer and winter megawatt electrical output; (ii) the location by county and state; (iii) the station or transmission line or lines where the interconnection will be made; (iv) the projected Initial Feedback~~In-Service~~ Date, ~~Initial~~ Synchronization Date and Commercial Operation Date; (v) the status of the Interconnection Request, including Queue Position; (vi) the identity of the Interconnection Customer~~Developer~~; ~~and~~ (vii) the availability of any studies related to the Interconnection Request; (viii) the date of the Interconnection Request; (ix) the type of ~~Large~~ Facility to be constructed (combined cycle, base load or combustion turbine and fuel type); and (x) for Interconnection Requests that have not resulted in a completed interconnection, an explanation as to why it was not completed. The ISO shall also post any known deviations in date proposed by the Facility in this Section [40.5.8.1(iv)], above. ~~Before holding a Scoping Meeting with an Affiliate of a Connecting Transmission Owner and that Connecting Transmission Owner, the ISO shall post on its OASIS an advance notice of its intent to do so.~~ The ISO shall post to its OASIS site any deviations from

Commented [A12]: NYISO Comment: Relocated from below in this provision.

Commented [A13]: NYISO Comment: Relocated to scoping meeting section in 40.7.4.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

the study timelines set forth herein. Phase 1 Study Interconnection Study reports and Optional Interconnection System Reliability Impact Study reports, the Phase 1 Cost Estimate Summary Report, and the Cluster Study Report shall be posted to the ISO password-protected website as soon as practicable following the conclusion, as applicable, of the Phase 1 Study or Phase 2 Study subsequent to the meeting between the Developer, The ISO and Connecting Transmission Owner to discuss the applicable study results. The ISO shall also post any known deviations in date proposed by the Large Facility in Section 30.3.4(iv), above.

30.3.4.2 Requirement to Post Interconnection Study Metrics

The ISO will maintain on the its OASIS or a publicly accessible portion of its website summary statistics related to processing of Interconnection Studies pursuant to Interconnection Requests, which will be updated on a quarterly calendar basis. For purposes of this section, an Interconnection Study is deemed complete on the date upon which the study itself is completed and an initial study report is circulated to the Developer and the Connecting Transmission Owner(s). Further, the statistics related to processing of Interconnection Studies will exclude days within which, in the event of a withdrawal notice issued by the ISO pursuant to Section 30.3.6 of this Attachment X, the Developer is permitted to cure the deficiencies that prompted the withdrawal notice. For each calendar quarter, the ISO must calculate and post the information detailed in Sections 30.3.4.2.1 through 30.3.4.2.4 below.

30.3.4.2.1 Optional Interconnection Feasibility Studies processing time.

(A) Number of Interconnection Requests that opted for an Optional Interconnection Feasibility Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter;

Commented [A14]: NYISO Comment: study metrics moved to Section 40.9.2

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~(B) Number of Interconnections Requests that had an Optional Interconnection~~

~~Feasibility Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter that were completed more than 45 Calendar Days or 90 Calendar Days (if the Developer elected the more detailed scope per Section 30.6.2 of this Attachment X) after the start of the study, which is the date that the ISO notifies the parties that the study commenced following the latter of: (i) confirmation of receipt of the required study deposit; (ii) confirmation of receipt of the required technical data; or (iii) acceptance by the Connecting Transmission Owner(s) of the study scope for the Optional Interconnection Feasibility Study;~~

~~(C) At the end of the reporting quarter, the number of active valid Interconnection~~

~~Requests with ongoing incomplete Optional Interconnection Feasibility Studies where the ISO started the study (i.e., the date that the ISO notifies the parties that the study commenced following the latter of: (i) confirmation of receipt of the required study deposit; (ii) confirmation of receipt of the required technical data; or (iii) acceptance by the Connecting Transmission Owner(s) of the study scope for the Optional Interconnection Feasibility Study) more than 45 Calendar Days or 90 Calendar Days (if the Developer elected the more detailed scope per Section 30.6.2 of this Attachment X) before the end of the reporting quarter;~~

~~(D) Mean time (in days), Optional Interconnection Feasibility Studies completed by the~~

~~ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter, from the date that the ISO notifies the parties that the study commenced following the latter of the following dates: (i) confirmation of receipt of the required study deposit; (ii) confirmation of receipt of the required technical data; or (iii) acceptance by the Connecting Transmission Owner(s) of the study scope~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

for the Optional Interconnection Feasibility Study to the date when the ISO completed the Optional Interconnection Feasibility Study;

(E) Percentages of Optional Interconnection Feasibility Studies exceeding 45 Calendar Days and 90 Calendar Days (if the Developer elected the more detailed scope per Section 30.6.2 of this Attachment X) to complete in the reporting quarter, calculated as the sum of Sections 30.3.4.2.1(B) and 30.3.4.2.1(C) divided by the sum of Sections 30.3.4.2.1(A) and 30.3.4.2.1(C).

30.3.4.2.2 — Interconnection System Reliability Impact Studies processing time:

(A) Number of Interconnection Requests that had an Interconnection System Reliability Impact Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter;

(B) Number of Interconnections Requests that had an Interconnection System Reliability Impact Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter that were completed more than 90 Calendar Days after the start of the study, which is the date that the ISO notifies the parties that the study commenced following the latter of: (i) confirmation of receipt of the required study deposit; (ii) confirmation of receipt of the required technical data; (iii) confirmation of Site Control; or (iv) approval of the study scope for the Interconnection System Reliability Study by the ISO Operating Committee;

(C) At the end of the reporting quarter, the number of active valid Interconnection Requests with ongoing incomplete Interconnection System Reliability Impact Studies where the ISO started the study (i.e., the date that the ISO notifies the parties that the study commenced following the latter of: (i) confirmation of receipt of the required study deposit; (ii) confirmation of receipt of the required technical data; (iii) confirmation of Site Control; or (iv) approval of the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~study scope for the Interconnection System Reliability Study by the NYISO Operating Committee) more than 90 Calendar Days before the reporting quarter end;~~

~~(D) Mean time (in days), Interconnection System Reliability Impact Studies completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter, from the date that the ISO notifies the parties that the study commenced following the latter of the following dates: (i) confirmation of receipt of the required study deposit; (ii) confirmation of receipt of the required technical data; (iii) confirmation of Site Control; or (iv) approval of the study scope for the Interconnection System Reliability Study by the ISO Operating Committee to the date when the ISO completed the Interconnection System Reliability Impact Study;~~

~~(E) Percentage of Interconnection System Reliability Impact Studies exceeding 90 Calendar Days to complete the reporting quarter, calculated as the sum of Sections 30.3.4.2.2(B) and 30.3.4.2.2(C) divided by the sum of Sections 30.3.4.2.2(A) and 30.3.4.2.2(C).~~

~~30.3.4.2.3 — Class Year Interconnection Facilities Studies processing time.~~

~~(A) Number of Interconnection Requests that had a Class Year Interconnection Facilities Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter;~~

~~(B) Number of Interconnections Requests that had an Class Year Interconnection Facilities Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter that were completed beyond the schedule set forth in Section 25.5.9 of Attachment S to the ISO OATT following the Class Year Study Start Date;~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~(C) At the end of the reporting quarter, the number of active valid Interconnection Requests with ongoing incomplete Class Year Interconnection Facility Studies, where such Interconnection Requests are included in a commenced Class Year Interconnection Facility Study, that exceed the schedule set forth in Section 25.5.9 of Attachment S to the ISO OATT following the Class Year Study Start Date but before the reporting quarter end;~~

~~(D) Mean time (in days), Class Year Interconnection Facility Studies completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter, from the Class Year Study Start Date to the date when the ISO completed the Class Year Interconnection Facilities Study;~~

~~(E) Percentage of Class Year Interconnection Facilities Studies exceeding the schedule set forth in Section 25.5.9 of Attachment S to the ISO OATT to complete the reporting quarter, calculated as the sum of Sections 30.3.4.2.3(B) and 30.3.4.2.3(C) divided by the sum of Sections 30.3.4.2.3(A) and 30.3.4.2.3(C).~~

~~**30.3.4.2.3 — Class Year Interconnection Facilities Studies processing time.**~~

~~(A) Number of Interconnection Requests that had a Class Year Interconnection Facilities Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter;~~

~~(B) Number of Interconnections Requests that had an Class Year Interconnection Facilities Study completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter that were completed beyond the schedule set forth in Section 25.5.9 of Attachment S to the ISO OATT following the Class Year Study Start Date;~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~(C) At the end of the reporting quarter, the number of active valid Interconnection Requests with ongoing incomplete Class Year Interconnection Facility Studies, where such Interconnection Requests are included in a commenced Class Year Interconnection Facility Study, that exceed the schedule set forth in Section 25.5.9 of Attachment S to the ISO OATT following the Class Year Study Start Date but before the reporting quarter end;~~

~~(D) Mean time (in days), Class Year Interconnection Facility Studies completed by the ISO for a Large Facility seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) during the reporting quarter, from the Class Year Study Start Date to the date when the ISO completed the Class Year Interconnection Facilities Study;~~

~~(E) Percentage of Class Year Interconnection Facilities Studies exceeding the schedule set forth in Section 25.5.9 of Attachment S to the ISO OATT to complete the reporting quarter, calculated as the sum of Sections 30.3.4.2.3(B) and 30.3.4.2.3(C) divided by the sum of Sections 30.3.4.2.3(A) and 30.3.4.2.3(C).~~

30.3.4.2.4 — Interconnection Requests Withdrawn from Interconnection

~~Queue.~~

~~—— (A) Number of Interconnection Requests under the Large Facility Interconnection Procedures withdrawn from the ISO's interconnection queue during the reporting quarter;~~

~~—— (B) Number of Interconnection Requests under the Large Facility Interconnection Procedures withdrawn from the ISO's interconnection queue during the reporting quarter before completion of any Interconnection Studies or the ISO's confirmation of the required study deposits or required technical data for any Interconnection Studies;~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

- (C) Number of Interconnection Requests under the Large Facility Interconnection Procedures withdrawn from the ISO's interconnection queue during the reporting quarter before completion of an Interconnection System Reliability Impact Study;
- (D) Number of Interconnection Requests under the Large Facility Interconnection Procedures withdrawn from the ISO's interconnection queue during the reporting quarter before completion of a Class Year Interconnection Facilities Study;
- (E) Number of Interconnection Requests withdrawn from the ISO's interconnection queue after execution of a Large Generator Interconnection Agreement or the filing of an unexecuted, new Large Generator Interconnection Agreement at the Developer's request;
- (F) Mean time (in days), for all withdrawn Interconnection Requests under the Large Facility Interconnection Procedures from the date when the Interconnection Request was determined to be valid to the date when the ISO received the request to withdraw the Interconnection Request from the queue.

30.3.4.3 — The ISO is required to post on the ISO's OASIS or on a publicly accessible portion of its website the measures in Section 30.3.4.2.1(A) through Section 30.3.4.2.3(F) for each calendar quarter within 30 Calendar Days of the end of the calendar quarter. The ISO will keep the quarterly measures posted on OASIS or on a publicly accessible portion of its website for three (3) calendar years with the first required report to be in the first quarter of 2020. If the ISO retains this information on a publicly accessible portion of its website, the ISO shall have a link to the information on its OASIS.

30.3.4.4 — In the event that any of the values calculated in Sections 30.3.4.2.1(F), 30.3.4.2.2(F), or 30.3.4.2.3(E) exceeds 25 percent for two (2) consecutive calendar quarters, the ISO will have to comply with the measures below for the next four (4) consecutive calendar

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

quarters and must continue reporting this information until the ISO reports four (4) consecutive calendar quarters without the values calculated in Sections 30.3.4.2.1(E), 30.3.4.2.2(E), or 30.3.4.2.3(E) exceeding 25 percent for two (2) consecutive calendar quarters:

(i) ~~The ISO must file a report with the Commission describing the reason for each study or group of clustered studies pursuant to an Interconnection Request that exceeded its deadline for completion (excluding any allowance for Reasonable Efforts). The ISO must describe the reasons for each study delay and any steps taken to remedy these specific issues and, if applicable, prevent such delays in the future. The report must be filed at the Commission within 45 Calendar Days of the end of the calendar quarter.~~

(ii) ~~The ISO shall aggregate the total number of employee hours and third party consultant hours expended by the ISO and the applicable Connecting Transmission Owner(s) towards Interconnection Studies for Interconnection Requests seeking to interconnect to the New York State Transmission System (or Distribution System as applicable) that quarter and post on the ISO's OASIS or a publicly accessible portion of its website. This information is to be posted within 30 Calendar Days of the end of the calendar quarter.~~

~~30.3.5~~ Coordination with Affected Systems

~~The ISO will coordinate the conduct of any studies required to determine the impact of the Interconnection Request on Affected Systems with Affected System Operators, as soon as they are identified—either by their own accord, by the Connecting Transmission Owner, by the ISO or by members of the ISO's Operating Committee or Transmission Planning Advisory Subcommittee of the ISO's Operating Committee. The ISO will include those results on Affected Transmission Owner systems in its applicable Interconnection Study within the time frame specified in these Large Facility Interconnection Procedures. The ISO will also include~~

Commented [A15]: NYISO Comment: Relocated Affected System provisions to Att. HH Section 40.8.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~results, if available, on other Affected Systems. The ISO will invite such Affected System Operators to all meetings held with the Developer as required by these Large Facility Interconnection Procedures. The Developer will cooperate with the ISO in all matters related to the conduct of studies and the determination of modifications to Affected Systems. An Affected System Operator shall cooperate with the ISO and Connecting Transmission Owner with whom interconnection has been requested in all matters related to the type and/or conduct of studies and the determination of modifications to Affected Systems. The ISO shall include in the appropriate interconnection study proposed studies requested by an identified Affected Transmission Owner to the extent such studies are reasonably justified in accordance with Good Utility Practice.~~

~~Upon completion of a Class Year Study in which a Developer accepts its Project Cost Allocation for System Upgrade Facilities and/or System Deliverability Upgrades and funds or commits to fund such upgrades as required by Attachment S, the Developer and Affected System Operator(s) will cooperate with the ISO in development of an Engineering, Procurement and Construction to provide for the engineering, procurement and construction of the System Upgrade Facilities and/or System Deliverability Upgrades on the Affected System. The Engineering, Procurement and Construction Agreement shall be consistent with the NYISO's Commission approved Standard Large Generator Interconnection Agreement located in Appendix 2 to Attachment X of the OATT, modified to address only the engineering, procurement and construction of the System Upgrade Facilities and/or System Deliverability Upgrades. The Parties to such agreement will use Reasonable Efforts to complete and execute the agreement, or submit the agreement unexecuted to the Commission, within six (6) months of the ISO's tender of the agreement.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~For identified Affected Transmission Owner(s) of facilities electrically adjacent to the Point of Interconnection and that have design criteria, operational criteria or other local planning criteria applicable to either (1) the substation to which the Developer proposes to interconnect; or (2) the substation that will be required to be built to accommodate the interconnection, the ISO shall provide such Affected Transmission Owner(s) with the opportunity to review and provide comments on all study scopes, study reports and drafts thereof for the project, and will be included on communications regarding the project and meetings discussing the project or any of its studies, where such communications or meetings involve the ISO, Developer and Connecting Transmission Owner. The ISO shall include in the appropriate interconnection study proposed studies requested by such an identified Affected Transmission Owner to the extent such studies are reasonably justified in accordance with Good Utility Practice.~~

~~40.6.30.4~~ Queue Position/ Modification/ Withdrawal/ Withdrawal Penalties

Commented [A1]: NYISO Comment: Relocated Att. X 30.4 to Attachment HH.

~~40.6.130.4.1~~ Queue Position

40.6.1.1 Assignment of Queue Position**General**

The ISO shall assign a Queue Position for an Interconnection Customer's Interconnection Request or CRIS-Only Request based upon the date and time of the ISO's receipt during the Application Window of the Interconnection Customer's complete submission of an~~the valid~~ Interconnection Request or CRIS-Only Request pursuant to Sections [40.5.4] and [40.5.5]. If the ISO's validates the Interconnection Request or CRIS-Only Request pursuant to Section [40.5.7],~~;~~ ~~provided that, if the sole reason an Interconnection Request is not valid is the lack of required information on the application form, and the Developer provides such information in accordance with Section 30.3.3.3,~~ then the Interconnection Request or CRIS-Only Request shall retain its assigned~~ISO shall assign the Developer a~~ Queue Position based on the date and time the submission~~application form~~ was originally filed. ~~The Queue Position of each Interconnection Request will be used to determine the order of performing the Interconnection Studies.~~

40.6.1.2 Higher Queue Position

A higher "Queue Position"~~queued~~ assigned to an Interconnection Request or CRIS-Only Request is one that has been placed "earlier" in the ~~q~~Queue in relation to another Interconnection Request or CRIS-Only Request that is assigned a lower Queue Position~~queued~~. All Interconnection Requests and CRIS-Only Requests submitted and validated in a single Application Window that are a part of a single Cluster for the Cluster Study Process shall be considered equally queued as between the Interconnection Requests and CRIS-Only Requests within the same Cluster: provided, however, that an Interconnection Request's individual Queue Position will be used to determine priority as between Interconnection Requests in the same

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Cluster in the event of a Physical Infeasibility determination as set forth in Section [40.7.3].
Interconnection Requests and CRIS-Only Requests that are part of a particular Class Year Study
or Cluster Study shall be considered to have a higher Queue Position than Interconnection
Requests and CRIS-Only Requests that are part of a subsequent Cluster Study.

30.4.2 — Clustering

~~At the ISO's option, Interconnection Requests may be studied serially or in clusters for the purpose of the Interconnection System Reliability Impact Study.~~

~~Clustering shall be implemented on the basis of Queue Position. If the ISO elects to study Interconnection Requests using Clustering, all Interconnection Requests received within a period not to exceed one hundred and eighty (180) Calendar Days, hereinafter referred to as the "Queue Cluster Window" shall be studied together. Deadlines for completing all Interconnection System Reliability Impact Studies for all Interconnection Requests assigned to the same Queue Cluster Window shall be in accordance with Section 30.7.4. The ISO may study an Interconnection Request separately to the extent warranted by Good Utility Practice based upon the electrical remoteness of the proposed Large Facility.~~

~~Clustering Interconnection System Reliability Impact Studies shall be conducted in such a manner to ensure the efficient implementation of the applicable regional transmission expansion plan in light of the New York State Transmission System capabilities at the time of each study.~~

~~The Queue Cluster Window shall have a fixed time interval based on fixed annual opening and closing dates. Any changes to the established Queue Cluster Window interval and opening or closing dates shall be announced with a posting on the ISO's OASIS beginning at~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~least one hundred and eighty (180) Calendar Days in advance of the change and continuing thereafter through the end date of the first Queue Cluster Window that is to be modified.~~

40.6.2~~30.4.3~~ Transferability of Queue Position

An Interconnection Customer~~Developer~~ may transfer its Queue Position for its Interconnection Request or CRIS-Only Request to another entity only if such entity: (i) acquires the specific ~~Large~~ Facility identified in the Interconnection Request or CRIS-Only Request, (ii) the Point of Interconnection does not change, (iii) for an Interconnection Request, the acquiring ~~entity~~~~Developer~~ demonstrates Site Control for its Project, (iv) the transferring Interconnection Customer is up-to-date on payments to the ISO, and (v) the acquiring entity submits any deposits required for its Interconnection Request or CRIS-Only Request under this Attachment HH. As a result of such a transfer, the acquiring entity shall become the Interconnection Customer~~Developer~~ of the specific ~~Large~~ Facility identified in the Interconnection Request or CRIS-Only Request. After such transfer, the ISO will refund to the transferring Interconnection Customer any refundable cash portion of the Study Deposit, Readiness Deposit(s), or Site Control Deposit or cancel any remaining letter of credit provided as a deposit.

~~Notwithstanding the foregoing, for a Project in the Interconnection Queue prior to [insert effective date], the Developer may, prior to the return of the executed Interconnection Facility Study Agreement to the ISO, modify the Project by combining it with another Project in the Interconnection Queue pursuant to Section 30.4.4.2 of this Attachment X.~~

40.6.3~~30.4.4~~ Modifications

An Interconnection Customer~~The Developer~~ may request an ISO determination as to whether an Interconnection Customer's proposed modification to any information provided in the Interconnection Request or CRIS-Only Request for its project is permitted or is a Material

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Modification by~~shall~~ submitting to the ISO, ~~in writing~~, (i) a ~~Large~~ Facility Modification Request in the form of Appendix ~~[5]~~3 to these Standard~~Large Facility~~ Interconnection Procedures, (ii) a study deposit in cash in the amount of \$10,000, and (iii) any supporting information or documentation required under this Section 40.6.3; provided, however, that an Interconnection Customer is not required to provide a study deposit to submit a permitted extension of its Commercial Operation Date pursuant to Section [40.6.3.4], a change to its Point of Interconnection pursuant to Section [40.6.3.1], a name change for the Cluster Study Project, or a name change for the Interconnection Customer. ~~for modifications to any information provided in the Interconnection Request.~~ Except as otherwise provided in Section [40.6.3.1], an Interconnection Customer cannot request a modification to the information provided in its Interconnection Request or CRIS-Only Request for its Cluster Study Project during the Application Window until the completion of the later of the Final Decision Period or Additional SDU Study Decision Period in which its Cluster Study Project is participating. Except as otherwise indicated in Section [40.6.3.1], ~~The Interconnection Customer~~Developer shall retain its Queue Position if its requested~~the~~ modifications ~~is~~are permitted in accordance with Sections [40.6.3.4]~~30.4.4.1, 30.4.4.2, 30.4.4.5, 30.4.4.6, or 30.4.4.7 or~~ ~~is~~are determined not to be Material Modifications pursuant to this ~~Section [40.6.3]~~30.4.4.3.

~~Notwithstanding the above, during the course of the Interconnection Studies, either the Developer or the ISO, or Connecting Transmission Owner may identify changes to the planned interconnection that may improve the costs and benefits (including reliability) of the interconnection, and the ability of the New York State Transmission System to accommodate the Interconnection Request. To the extent the identified changes are acceptable to the ISO, Connecting Transmission Owner, and Developer, such acceptance not to be unreasonably~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

withheld, the ISO shall modify the Point of Interconnection and/or configuration in accordance with such changes and proceed with any re-studies necessary to do so, in accordance with Section 30.6.4, Section 30.7.6 and Section 30.8.5 as applicable and Developer shall retain its Queue Position.

40.6.3.1~~30.4.4.1~~ Within five (5) Business Days after the ISO posts the Cluster Study Project List during the Customer Engagement Window pursuant to Section [40.7.2], the Interconnection Customer may propose a modification to the Point of Interconnection in its Interconnection Request in accordance with the requirements in Section [40.7.2.3] to this Attachment HH. Prior to the commencement of the Interconnection System Reliability Impact Study as posted on the ISO's interconnection queue, modifications permitted under this section shall include specifically: (a) a decrease of up to 60 percent of electrical output (MW) of the proposed project, through either (1) a decrease in plant size or (2) a decrease in interconnection service level (consistent with the process described in Section 30.3.2.3) accomplished by applying injection limiting equipment that is agreed to by the ISO and the Connecting Transmission Owner; (b) modifying the technical parameters associated with the Large Facility technology or the Large Generating Facility step-up transformer impedance characteristics; and (c) modifying the interconnection configuration. For plant increases other than increases resulting from a Permissible Technological Advancement, the incremental increase in plant output will go to the end of the queue for the purposes of study analysis.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

30.4.4.2 — Prior to the return of the executed Interconnection Facility Study

Agreement to the ISO, the modifications permitted under this section shall include specifically: (a) additional 15 percent decrease of electrical output (MW) of the proposed project through either (1) a decrease in the plant size or (2) a decrease in the interconnection service level (consistent with the process described in Section 30.3.2.3) accomplished by applying injection limiting equipment that is agreed to by the ISO and the Connecting Transmission Owner; (b) Large Facility technical parameters associated with modifications to Large Facility technology and transformer impedances; (c) a Permissible Technological Advancement for the Large Facility after the submission of the Interconnection Request; and (d) a reduction in the number of MW the Developer requests to be evaluated for CRIS; provided, however, the incremental Interconnection Study costs associated with those modifications are the responsibility of the requesting Developer. For a technological change, Section 30.4.4.7 specifies a separate Technological Change Procedure, which the ISO, in consultation with the Connecting Transmission Owner to the extent practicable, will follow to assess whether a Developer's requested change constitutes a Permissible Technological Advancement, as defined in Section 30.1 of this Attachment X.

For a Project in the Interconnection Queue prior to [insert effective date], the Developer may, prior to the return of the executed Interconnection Facility Study Agreement to the ISO, modify the Project by combining it with another Project in the Interconnection Queue, even if the Projects are different technologies; provided however, the Projects must (i) be co-located behind the the same Point of

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Interconnection; (ii) submit a revised Interconnection Request reflecting the modification to become a Project comprised of multiple Generators as well as identifying the Developer of record for purposes of the interconnection process; and (iii) demonstrate the manner in which such Developer of record retains Site Control for the combined Project. For a Project requesting a modification under this Section 30.4.4.2, upon ISO approval of such modification, the combined Project shall proceed as a single Project for purposes of the next interconnection study required for the Project more advanced in the interconnection study process (i.e., a Project with a completed SRIS may combine with a Project without a completed SRIS; provided however, the combined Project will be evaluated as a single Project in the Class Year Study).

~~40.6.3.2~~30.4.4.4 Upon the ISO's receipt of an Interconnection Customer's ~~Developer's Facility Modification Request~~ for modification permitted under this ~~Section 30.4.4~~, the ISO shall commence and perform any necessary additional studies as soon as practicable, but in no event shall the ISO commence such studies later than thirty (30) Calendar Days after receiving ~~notice of~~ Interconnection Customer~~Developer's complete Facility Modification Request~~; provided, however, that for a modification subject to the Commercial Operation Date extension requirements in Section [40.6.3.5], the ISO and Connecting Transmission Owner shall assess the proposed modification in accordance with the requirements in [40.6.3.5]. Any additional studies resulting from such modification shall be done at Interconnection Customer~~Developer's~~ cost in accordance with the requirements in [40.24.3].

Commented [A2]: NYISO Comment: Reordered modification provisions.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.6.3.3~~30.4.4.3~~ Prior to making any modification other than those specifically permitted by Section [40.6.3.4]~~s 30.4.4.1, 30.4.4.2, 30.4.4.5, 30.4.4.6, and 30.4.4.7~~, Interconnection Customer~~Developer~~ shall ~~may~~ first request that the ISO evaluate whether such modification is a Material Modification in accordance with the requirements in this Section [40.6.3]. In response to Interconnection Customer~~Developer~~'s request, the ISO shall evaluate the proposed modifications, including performing any studies required by this Section [40.6.3], prior to making them and inform the Interconnection Customer~~Developer~~ in writing of whether the modifications would constitute a Material Modification. Any change to the Point of Interconnection except ~~these~~ change deemed acceptable under Section [40.6.3.1]~~30.4.4.1, 30.6.1, 30.7.2~~ or so allowed elsewhere shall constitute a Material Modification. ~~Unless requested prior the commencement of the System Reliability Impact Study, a~~ Any change~~increase~~ in requested CRIS from the requested CRIS set forth in the Interconnection Request or CRIS-Only Request or any request for CRIS not included in the Interconnection Request (*i.e.*, if the Interconnection Request included only a request for ERIS) or CRIS-Only Request shall constitute a Material Modification. Except as otherwise set forth in Section [40.6.3.1] above, ~~A~~ any modification to a Cluster Study~~ass-Year~~ Project during a Cluster Study Process~~Class-Year Study~~ for which it is a member of the Cluster shall constitute~~consistute~~ a Material Modification. For proposed modifications deemed to be Material Modifications, the Interconnection Customer~~Developer~~ may withdraw the proposed modification request or proceed

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

with a new Interconnection Request or CRIS-Only Request in a subsequent Cluster Study Process for such modification.

40.6.3.4~~30.4.4.5~~ Extensions of the proposed Commercial Operation Date will not be Material Modifications if ~~30.4.4.5.1~~ the proposed Commercial Operation Date is within four (4) years from the following date:

40.6.3.4.1 ~~For all Facilities that participated in a Cluster Study Process, the date the Interconnection Customer and all other Interconnection Customers remaining in the Final Decision Period for the Cluster Study provided the required cash or Security in the Final Decision Round of the Final Decision Period (i.e., the completion of the Cluster Study).~~

40.6.3.4.2~~30.4.4.5.1.1~~ For all Large Facilities and for Small Generating Facilities that participated in a Class Year Interconnection Facilities Study subject to Attachment S to the ISO OATT, the date the Interconnection Customer~~Developer~~ and all other Interconnection Customers~~Developers~~ remaining in the Class Year provided the required cash or post sSecurity as part of a Class Year Interconnection Facilities Study (*i.e.*, completion of the Class Year).

40.6.3.4.3~~30.4.4.5.1.2~~ For Small Generating Facilities that were not subject to the Small Generator Interconnection Procedures in Attachment Z to the ISO OATT and did not participate in a Class Year Interconnection Facilities Study or Cluster Study.~~Attachment S~~, the date the ISO tendered the SGIA to the Interconnection Customer.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~40.6.3.5~~~~30.4.4.5.2~~ An Interconnection Customer~~Developer~~ may request an extension of its Commercial Operation Date beyond the limit specified in Section [40.6.3.4]

~~30.4.4.5.1~~Such request will not be a Material Modification only if the ISO determines that the requirements in Sections [40.6.3.5.1, 40.6.3.5.2, and 40.6.3.5.3]~~following conditions~~ have been met:

~~30.4.4.5.2.1~~ ~~Developer must have an executed Interconnection Agreement for the project or have an unexecuted Interconnection Agreement jointly filed at FERC by the ISO and Connecting Transmission Owner; and~~

~~40.6.3.5.1~~~~30.4.4.5.2.2~~ An Interconnection Customer must satisfy the requirements set forth in Section [40.6.3.5.1.1] or [40.6.3.5.1.2] for an extension of its Commercial Operation Date;

40.6.3.5.1.1 An Interconnection Customer may request that the Commercial Operation Date for its Facility be extended beyond the period set forth in Section [40.6.3.4] by demonstrating (via an Officer certification): (i) that its Facility cannot meet the timeframe in Section [40.6.3.4] due to its technology type or due to the sequencing of work on the transmission or distribution system that is beyond its control (e.g., unavailability of required system outages) and (ii) that its project is still progressing to the extent possible.

30.6.3.5.1.2 An Interconnection Customer may request that the Commercial Operation Date for its Facility be extended beyond the period set forth in Section [40.6.3.4] by demonstrating~~Developer must demonstrate~~ (via an Officer certification) that it has made reasonable progress in the development of its project against milestones set forth in the Interconnection Agreement or

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Section [40.6.3.5.2] (e.g., completion of engineering design, major equipment orders, commencement and continuation of construction of the ~~Large~~ Facility and associated Attachment Facilities, Distribution Upgrades, or System Upgrade Facilities, as applicable). ~~If Developer has requested an unexecuted Interconnection Agreement be filed with FERC, Developer must meet this requirement within sixty (60) days of a FERC Order on the unexecuted Interconnection Agreement.~~

Commented [A3]: NYISO Comment: NYISO reviewing proposed "reasonable progress" milestones.

40.6.3.5.1.3 Upon the ISO's request, an Interconnection Customer shall promptly provide the ISO with information concerning the satisfaction of the milestones provided to demonstrate reasonable progress.

40.6.3.5.1.4 An Interconnection Customer that has extended its Commercial Operation Date must demonstrate satisfaction of additional milestones for any subsequent requested extensions.

40.6.3.5.2 Interconnection Customer must also provide the ISO with a milestone schedule for the interconnection of the Project that it has agreed upon with the Connecting Transmission Owner that meets the requested extended Commercial Operation Date. The Connecting Transmission Owner's agreement to the revised milestone schedule cannot be unreasonably withheld.

40.6.3.5.3 The ISO, in consultation with the Connecting Transmission Owner or Affected Transmission Owner, has determined that: (i) a Cost Estimate Update is not required to update the cost estimates of the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, or System Upgrade Facilities identified in the Small Generator facilities study.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Class Year Study, or Cluster Study for the Facility, or (ii) if the ISO, in consultation with the Connecting Transmission Owner or Affected Transmission Owner, determines that a Cost Estimate Update is required, the Interconnection Customer agrees in writing that the Cost Estimate Update be performed, that it will be responsible for the costs of such evaluation, and that its extended Commercial Operation Date shall be subject to its acceptance of, and its posting of any additional Security, of any increase in the cost estimate as described in Section [40.6.3.5.3.3].

40.6.3.5.3.1 To determine whether a Cost Estimate Update is required and when such study will be performed, the ISO, in consultation with the Connecting Transmission Owner and/or any Affected Transmission Owner(s), will consider the requested length of the extension, the duration in time since the cost estimates were determined in a Small Generator facilities study, Class Year Study, or Cluster Study, any 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 ISO determines that a Cost Estimate Update is required, the ISO will provide the Interconnection Customer its basis for requiring such update. The need and timeframe for the update will be included in the interconnection agreement or an 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.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.6.3.5.3.2 The Connecting Transmission Owner or Affected Transmission Owner will perform, at Interconnection Customer's expense, any Cost Estimate Update agreed upon with the Interconnection Customer to update the cost estimates of the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, or System Upgrade Facilities identified in the Small Generator facilities study, Class Year Study, or Cluster Study for the Facility.

40.6.3.5.3.3 If the Cost Estimate Update identifies revised cost estimates, the Interconnection Customer will only be permitted to proceed with its requested Commercial Operation Date extension if it accepts within ten (10) Business Days of the conclusion of the re-study its cost allocation for, and provides cash or posts Security to, the Connecting Transmission Owner for, the revised cost estimates. In such case, the updated cost estimates will be included in the interconnection agreement for the project. If the project has an effective interconnection agreement, the parties will amend the agreement to include this information. Any updated cost estimate and Security provided in accordance with this section shall be subject to the Security forfeiture requirements in Section [40.16.1] and the requirements for future cost responsibility set forth in Section [40.16.3].

~~30.4.4.5.3 — For projects in the ISO interconnection queue that as of February 18, 2013 have accepted Project Cost Allocations and posted Security for System Upgrade Facilities from the final round of a Class Year Interconnection Facilities Study,~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

the following criteria must be satisfied with respect to the proposed Commercial Operation Date:

~~30.4.4.5.3.1~~ The project's proposed Commercial Operation Date posted on the ISO interconnection queue as of February 18, 2013 must be within the limit specified in Section 30.4.4.5.1; or

~~30.4.4.5.3.2~~ The project's proposed Commercial Operation Date posted on the ISO interconnection queue as of February 18, 2013 must have been reviewed by the ISO and determined not to be a Material Modification prior to February 18, 2013; or

~~30.4.4.5.3.3~~ If the project's proposed Commercial Operation Date posted on the ISO interconnection queue as of February 18, 2013 is beyond the limit specified in Section 30.4.4.5.1 and the project has not satisfied Section 30.4.4.5.3.2, the following conditions must be satisfied or the project will be withdrawn from the ISO interconnection queue:

~~30.4.4.5.3.3.1~~ Within sixty (60) days of February 18, 2013, Developer must either (1) have an executed Interconnection Agreement for the project; or (2) have an unexecuted Interconnection Agreement jointly filed at FERC by the ISO and Connecting Transmission Owner; and

~~30.4.4.5.3.3.2~~ Within sixty (60) days of execution of an Interconnection Agreement or a FERC Order on an unexecuted Interconnection Agreement, as applicable, Developer must demonstrate (via an Officer certification) that it has made reasonable progress against milestones set forth in the Interconnection Agreement (e.g., completion of engineering design, major equipment orders, commencement

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

and continuation of construction of the Large Facility and associated System Upgrade Facilities, as applicable).

~~30.4.4.5.3.4~~ For a project that is subject to Section 30.4.4.5.3, subsequent requests for an extension of the project's Commercial Operation Date (*i.e.*, requests submitted to the ISO after February 18, 2013) will not be a Material Modification only if Developer satisfies the requirements set forth in Section 30.4.4.5.2.

~~40.6.3.6~~30.4.4.5.4 As soon as it becomes apparent to Interconnection Customer that the most recent proposed Initial Feedback Date posted on the Queue is infeasible, and also Prior to the expiration of the proposed Initial Feedback In-Service Date posted on the ISO interconnection Queue, as applicable, Interconnection Customer Developer is obligated to provide the ISO with notice of any proposed extensions of proposed Initial Feedback In-Service Date, proposed Initial Synchronization Date or proposed Commercial Operation Date, as applicable, as soon as it becomes apparent to Developer that the most recent proposed In-Service Date posted on the ISO's interconnection queue is infeasible.

~~30.4.4.6~~ Any increase by the Developer, after it executes the Class Year Interconnection Facilities Study Agreement, in the number of MW of Installed Capacity that it previously requested to be evaluated for CRIS shall constitute a Material Modification. Any decrease in the number of MWs the Developer requests, pursuant to Section 25.7.7.1 of Attachment S to the ISO OATT, to be evaluated for CRIS after it executes the Class Year Interconnection Facilities Study Agreement, shall not constitute a Material Modification.

40.6.3.7~~30.4.4.7~~ **Technological Change Procedure.** Following delivery of the initial draft of the System Reliability Impact Study report to the Developer and Connecting Transmission Owner(s) but prior to the return of an executed Interconnection Facilities Study Agreement to the ISO, a A technological change that satisfies the definition of a Permissible Technology Advancement or that the ISO determines is not a Material Modification under this Technological Change Procedure is a permissible modification that will not result in an Interconnection Customer~~Developer~~ losing its Queue Position if it elects to proceed with the requested modification.

40.6.3.7.1~~30.4.4.7.1~~ An Interconnection Customer~~Developer~~ seeking to modify its proposed ~~Large~~ Facility based upon a change to the turbines, inverters, or plant supervisory controls or other similar advancements to the existing technology proposed in the Interconnection Customer~~Developer~~'s Interconnection Request shall submit, in accordance with Section [40.6.3], a ~~Large~~ Facility Modification Request, study deposit, and ~~in the form of Appendix 3 to these Large Facility Interconnection Procedures, which shall be accompanied by a study deposit in the amount of \$10,000 and~~ any support relied on by the Interconnection Customer~~Developer~~ to show that the change is a Permissible Technological Advancement or not a Material Modification. Upon receipt of a ~~Large~~ Facility Modification Request that identifies a request for a technological change, the ISO, in consultation with the Connecting Transmission Owner(s) to the extent practicable, shall first conduct a review of the technological change and supporting information to determine whether such change constitutes a

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Permissible Technological Advancement. If the ~~Large~~-Facility Modification Request demonstrates that the proposed technological change satisfies the definition of Permissible Technological Advancement and does not result in a change to the electrical characteristics that is (i) greater than two (2) percent voltage drop at the Point of Interconnection or (ii) greater than 100 amperes short circuit contribution, then no additional study is required and the technological change shall constitute a Permissible Technological Advancement.

40.6.3.7.2~~30.4.4.7.2~~ If the ISO identifies that additional studies are required to determine whether the technological change constitutes a Permissible Technological Advancement, the ISO shall commence and perform any necessary studies to determine whether the electrical performance is equal or better than the electrical performance prior to the technological change and it does not result in adverse reliability concerns. Such additional studies shall be identified and performed based on the ISO's engineering judgment and at the Interconnection Customer~~Developer~~'s expense. If the Interconnection Customer~~Developer~~ fails to provide information or data that is required by the ISO to conduct the additional studies, the ISO shall reject the requested technological change; however, the Interconnection Customer~~Developer~~ may resubmit a ~~Large~~-Facility Modification Request for the same technological change with the required information.

40.6.3.7.3~~30.4.4.7.3~~ If the ISO concludes that the requested technological change does not constitute a Permissible Technological Advancement after completing the additional studies, the ISO shall review whether the technological change would

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

constitute a Material Modification consistent with Section ~~[*]30.4.4.3~~ of this Attachment ~~HHX~~.

~~40.6.3.7.4~~~~30.4.4.7.4~~ The ISO will complete its review and any additional studies required under this Technological Change Procedure in accordance with the requirements in Section [40.6.3.2], ~~within thirty (30) Calendar Days of receiving a Large complete Facility Modification Request and the required study deposit.~~

Following completion of the ISO's review and any additional studies, the ISO shall describe the studies that were conducted, if any, ~~and invoice the Developer for any costs incurred and either refund any remaining amount of the study deposit in excess of the costs without interest for amounts owed. The Developer shall pay the invoice within thirty (30) Calendar Days from receipt of the invoice or commence a dispute under Section 30.13.5 of this Attachment X.~~

~~40.6.4~~~~30.3.6~~ **Withdrawal**

~~40.6.4.1~~ The Interconnection Customer~~Developer~~ may withdraw its Interconnection Request or CRIS-Only Request at any time by written notice of such withdrawal to the ISO. In addition, if the Interconnection Customer~~Developer~~ fails to adhere to all requirements of these Standard~~Large Facility~~ Interconnection Procedures, except as provided in Section ~~[40.24.5]~~~~30.13.5~~ (Disputes), the ISO shall deem the Interconnection Request or CRIS-Only Request to be withdrawn and shall provide written notice to the Interconnection Customer~~Developer~~ of the deemed withdrawal and an explanation of the reasons for such deemed withdrawal. Upon receipt of such written notice, the Interconnection Customer~~Developer~~ shall have a cure period of fifteen (15) Business Days in which to either

Commented [A4]: NYISO Comment: Relocated from Att. X 30.3.6.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

respond with information or actions that cures the deficiency or to notify the ISO of its intent to pursue Dispute Resolution; except that:

(i) for a failure to timely make a payment or submit or maintain a deposit required by Attachment HH, an Interconnection Customer shall have a ten (10) Business Day cure period to submit payment or deposit in an acceptable form to the ISO, and

(ii) the cure period set forth in this Section [40.6.4.1] does not extend specific deadlines set forth in Section [40.5.7.2] for an Interconnection Customer to cure a deficiency in its Interconnection Request or CRIS-Only Request identified by the ISO or in Section [40.5.7.3.3] for an Interconnection Customer to cure a deficiency in its submission of the required Connecting Transmission Owner-specific information. ~~Sections 25.6.2.3.2 and 25.8.2 of Attachment S and the deadlines for study agreement execution and submittal of all required deposits set forth in Section 30.8.1 of this Attachment X (i.e., Developer cannot obtain an additional fifteen (15) business days by virtue of the cure period to comply with the requirements of the above referenced tariff provisions, but could use the cure period to provide evidence that Developer did in fact provide the required information by the tariff required date).~~

40.6.4.2 Withdrawal shall result in the loss of the Interconnection Customer~~Developer's~~ Queue Position. If an Interconnection Customer~~a Developer~~ disputes the withdrawal and loss of its Queue Position, then during Dispute Resolution, the Interconnection Customer~~Developer's~~ Interconnection Request or CRIS-Only Request is eliminated from the ~~q~~Queue until such time that the outcome of Dispute Resolution would restore its Queue Position. An Interconnection Customer~~Developer~~ that withdraws or is deemed to have withdrawn its Interconnection Request or CRIS-Only Request shall pay to the ISO and Connecting Transmission Owner all costs that the ISO and Connecting Transmission Owner prudently incur with respect to that

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Interconnection Request or CRIS-Only Request prior to the receipt of notice described above. The Interconnection Customer~~Developer~~ must pay all monies due to the ISO and Connecting Transmission Owner before it is allowed to obtain any Cluster~~Interconnection~~ Study data or results.

40.6.4.3 If Interconnection Customer withdraws its Interconnection Request or CRIS-Only Request, or is deemed withdrawn by the ISO, pursuant this Section [40.6.4], the ISO shall (i) update the OASIS Queue~~Position~~ posting to remove the Queue Position for the Interconnection Request or CRIS-Only Request, and (ii) to conduct a final reconciliation of Interconnection Customer's costs and any applicable Withdrawal Penalties and follow the process set forth in [40.24.3] for returning or cancelling deposits. The ISO shall also refund to the Interconnection Customer the refundable cash portion of the Interconnection Customer's Site Control Deposit, if applicable, or cancel any remaining letter of credit provided as a deposit.

40.6.4.4 In the event of such withdrawal, the ISO and Connecting Transmission Owner, subject to the confidentiality provisions of Section [40.24.1]~~30.13.1~~, shall provide, at Interconnection Customer's~~Developer's~~ request, all information that the ISO and Connecting Transmission Owner developed for any completed study conducted up to the date of withdrawal of the Interconnection Request or CRIS-Only Request.

40.6.5 Withdrawal Penalties

40.6.5.1 Interconnection Requests and CRIS-Only Requests Subject to Withdrawal Penalties

40.6.5.1.1 If an Interconnection Customer withdraws its Interconnection Request or CRIS-Only Request, or such Interconnection Request or CRIS-Only Request is deemed withdrawn, either during the Application Window or during the Customer Engagement Window

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

up to five (5) Business Days after the ISO posts the Cluster Study Project List in the Customer Engagement Window pursuant to Section [40.7.2.2], the Interconnection Request or CRIS-Only Request shall not be subject to a Withdrawal Penalty.

40.6.5.1.2 If an Interconnection Customer withdraws its Interconnection Request or CRIS-Only Request, or such Interconnection Request or CRIS-Only Request is deemed withdrawn, after the periods sets forth in Sections [40.6.5.1.1], the Interconnection Request or CRIS-Only Request may be subject to a Withdrawal Penalty as determined based on when in the Cluster Study Process the Interconnection Request or CRIS-Only Request withdraws or is withdrawn as detailed in Sections [40.7.6], [40.10.9], and [40.15.5] to this Attachment HH. If the Interconnection Customer has accepted its Project Cost Allocation and paid cash or posted Security in the Final Round of the Final Decision Period or Additional SDU Study Decision Period for any required Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrades Facilities, and/or System Deliverability Upgrades, the Interconnection Customer's Security will be subject to the forfeiture requirements in Section [40.16.1].

40.6.5.2 Distribution of Withdrawal Penalties

40.6.5.2.1 For each Cluster Study Process, the ISO shall hold all Withdrawal Penalty Funds that it has collected from any Cluster Study Project(s) participating in the Cluster for that study that withdraw or are withdrawn at or before the completion of the later of: (i) the Phase 2 Study or (ii) the Additional SDU Study for that Cluster Study Process.

40.6.5.2.2 The ISO shall first use any collected Withdrawal Penalty Funds to offset the study costs of the Cluster Study Process, as applicable, that were incurred by those Interconnection Customers: (i) for the Cluster Study Project(s) in that Cluster that accepted their

IITF February 16, 2024 Working Draft
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Project Cost Allocation and paid cash or posted Security (if any required) for any Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and/or System Upgrade Facilities identified in the study process and (ii) for the CRIS-Only Cluster Study Project(s) in that Cluster that accepted their Deliverable MW or Project Cost Allocation and paid cash or posted Security (if any required) for any System Deliverability Upgrades ("Payment Eligible Projects").

40.6.5.2.3 Within one hundred fifty (150) Calendar Days of the completion of the later of, as applicable, the Phase 2 Study or Additional SDU Study for the Cluster Study Process, the ISO shall refund to the Interconnection Customers of each Payment Eligible Project a share of the Withdrawal Penalty Funds to offset the study costs it incurred in that Cluster Study Process. The ISO shall calculate the refund payment for each individual Payment Eligible Project by dividing the total Withdrawal Penalty Funds amount by the number of Payment Eligible Projects. The ISO shall then provide this refund payment to the Interconnection Customer for each Payment Eligible Project; provided, however, that an Interconnection Customer shall not receive from the ISO a higher study refund payment for its Payment Eligible Project than the total payments it made to the ISO for the actual study costs of the Payment Eligible Project in that particular Cluster Study Process.

40.6.5.2.4 If, after the ISO makes the payments required by Section [40.6.5.2.3], there remains Withdrawal Penalty Funds for that Cluster, the ISO shall then calculate and apply the Commercial Operation Incentive Payment Amount for that Cluster.

40.6.5.2.5 The ISO shall calculate the Commercial Operation Incentive Payment Amount for a Cluster by dividing the remaining Withdrawal Penalty Funds by the total number of Payment Eligible Projects except for CRIS-Only Cluster Study Projects.

IITF February 16, 2024 Working Draft
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40.6.5.2.6 The ISO shall hold the remaining Withdrawal Penalty Funds for the Cluster until the Commercial Operation Incentive Payment Amount has been applied for each Payment Eligible Project, except CRIS-Only Cluster Study Projects, as follows. If a Payment Eligible Project enters Commercial Operation, the ISO shall pay the Interconnection Customer for that Payment Eligible Project the Commercial Operation Incentive Payment Amount. If a Payment Eligible Project withdraws or is withdrawn prior to entering Commercial Operation, it shall forfeit at that time its Commercial Operation Incentive Payment Amount, which amount the ISO shall use to offset the ISO's administration costs.

40.6.5.2.7 The following is an example of the distribution of the Withdrawal Penalty Fund pursuant to this Section [40.6.5.2].

40.6.5.2.7.1 Assume at the conclusion of a Cluster Study Process that there are ten Payment Eligible Projects and \$2,000,000 in Withdrawal Penalty Funds. The ISO will first determine the share of study costs that will be refunded to the Payment Eligible Projects by dividing the \$2,000,000 by 10, which results in a refund payment share for each project of \$200,000. The ISO would make this refund payment to each Payment Eligible Project up to the amount in actual study cost such project paid in that Cluster Study Process. Accordingly, if a Payment Eligible Project only paid \$100,000 in actual study costs during the Cluster Study Process, its refund payment would be limited to \$100,000, and the remaining \$100,000 would be subject to the second stage of the Withdrawal Penalty Fund distribution.

40.6.5.2.7.2 Assume for this second stage, that \$500,000 remained following the study cost refund payments. The ISO would then calculate the Commercial Operation Incentive Payment Amount. This would be calculated as the remaining \$500,000 divided

IITF February 16, 2024 Working Draft
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by 10 or a \$50,000 amount for which each Payment Eligible Project would be eligible.
Assume 7 of the 10 Payment Eligible Projects entered into Commercial Operation. In
such case, those 7 projects would each receive the \$50,000 Commercial Operation
Incentive Payment Amount. The remaining \$150,000 associated with the 3 projects that
did not enter Commercial Operation would be forfeited and used by the ISO to offset its
administration costs.

*IITF February 16, 2024 Working Draft
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40.7 Customer Engagement Window/ Phase 1 Entry Decision Period

40.7.1 Customer Engagement Window Start Date, Duration, and Scope

40.7.1.1 The Customer Engagement Window for the Cluster Study Process shall commence on the first Business Day after the end date of the Application Window.

40.7.1.2 The Customer Engagement Window period shall be a seventy (70) Calendar Day period for a Cluster Study Process; except as follows:

(i) for the Transition Cluster Study Process, this period shall complete at the later of: (A) a ninety (90) Calendar Day period and (B) the completion of the Final Decision Period for the Class Year Study for Class Year 2023; and

(ii) for subsequent Cluster Study Processes, this period shall be extended to the extent required by Section [40.5.1.3].

40.7.1.3 During the Customer Engagement Window: (i) the ISO shall complete its review and validation of Interconnection Requests submitted, but not validated, during the Application Window, (ii) the ISO shall post the Cluster Study Project List in accordance with the requirements in Section [40.7.2], (iii) the Connecting Transmission Owner shall perform the Physical Infeasibility Screening of the proposed interconnections of the Cluster Study Projects in accordance with the requirements in Section [40.7.3], and (iv) the ISO shall conduct the Scoping Meeting in accordance with the requirements in Section [40.7.4].

40.7.2 Posting of Cluster Study Project List

40.7.2.1 Within ten (10) Business Days of the commencement~~opening~~ of the Customer Engagement Window, the ISO~~Transmission Provider~~ shall post on its OASIS, or a publicly accessible portion of its website, the Cluster Study Project List, which is a list of the validated Interconnection Requests and CRIS-Only Requests for that Cluster. The list shall identify, for

Commented [A1]: NYISO Comment: Clean language drawn from FERC Order 2023 Pro Forma Section 3.4.5, as further revised by NYISO in track changes.

IITF February 16, 2024 Working Draft
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each ~~anonymized~~ Interconnection Request and each CRIS-Only Request: (1) the requested amount of Energy Resource Interconnection Service and/ Capacity Resource Interconnection Service; (2) the location by county and state; (3) the station or transmission line or lines ~~where of~~ the requested Point of Interconnection ~~will be made~~; (4) the projected ~~In-Service~~ Initial Feedback Date; (5) the type of Interconnection Service requested; ~~and~~ (6) the type of ~~Generating Facility or Facilities~~ to be constructed, including fuel types, such as coal, natural gas, solar, ~~or wind~~ or storage; (7) the number of proposed generator leads; (8) Queue Position, and (9) whether the Interconnection Request or CRIS-Only Request is for a Contingent Project. ~~The Transmission Provider must ensure that project information is anonymized and does not reveal the identity or commercial information of interconnection customers with submitted requests. During the Customer Engagement Window, Transmission Provider shall provide to Interconnection Customer a nonbinding updated good faith estimate of the cost and timeframe for completing the Cluster Study and a Cluster Study Agreement to be executed prior to the close of the Customer Engagement Window.~~

40.7.2.2 If an Interconnection Customer withdraws its Interconnection Request or CRIS-Only Request, or such Interconnection Request or CRIS-Only Request is deemed withdrawn, during the Customer Engagement Window up to five (5) Business Days after the ISO posts the Cluster Study Project List, the Interconnection Request shall not be subject to a Withdrawal Penalty as set forth in Section [40.7.6.2].

40.7.2.3 Within five (5) Business Days after the ISO posts the Cluster Study Project List, the Interconnection Customer may propose a modification to the Point of Interconnection in its Interconnection Request for its Cluster Study Project other than for a Contingent Project; provided, however, that such modification cannot modify the electrical characteristics of its

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Cluster Study Project. The Interconnection Customer shall submit to the ISO any requested change to the Point of Interconnection through the Facility Modification Request Form set forth in Appendix [5]. If the Interconnection Customer submits a Facility Modification Request requesting to change the Point of Interconnection, then the ISO shall modify the priority designation of the Queue Position assigned to its Interconnection Request pursuant to Section [40.6.1.1] based on the date and time of the ISO's receipt of the Interconnection Customer's submission of the completed Facility Modification Request form requesting the change and will notify the Connecting Transmission Owner and Affected Transmission Owner of this change when notifying the Interconnection Customer of its modified Queue Position

40.7.3 Physical Infeasibility Screening

40.7.3.1 During the Customer Engagement Window, the Connecting Transmission Owner and any Affected Transmission Owner(s) identified in connection with the proposed interconnection of a Cluster Study Project (except for CRIS-Only Cluster Study Projects) pursuant to Section [40.5.7.1.1] shall review the proposed interconnection of the Cluster Study Project to assess whether the proposed Point of Interconnection is Physically Infeasible as defined in Section [40.7.3.2] and shall provide the ISO their written assessment.

40.7.3.2 An Interconnection Request shall be deemed Physically Infeasible if:

(1) (i) the substation for the selected Point of Interconnection does not have any available bus positions and (ii) (a) is not expandable electrically or within the existing substation footprint, or (b) adjacent usable vacant land is not available, or (c) proposals by Interconnection Customer are inconsistent with Good Utility Practice or Applicable Reliability Requirements; or

IITF February 16, 2024 Working Draft
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(2) a viable tie line cable route(s) cannot be established from either the Point of Change of Ownership to the Point of Interconnection or, where these points are the same, a viable route cannot be established within or from the fence line; or

(3) (i) the project capacity exceeds the ratings of equipment at the substation selected for the Point of Interconnection, (ii) replacement equipment that would be adequately rated for the project capacity is not commercially available from an approved supplier and within applicable specifications set by the Transmission Owner, and (iii) an alternative upgrade is not physically feasible (e.g., higher voltage Point of Interconnection substation). For purposes of this subpart (3), “commercially available” equipment shall mean equipment manufactured by an approved supplier of a particular Connecting Transmission Owner and conforming with engineering specifications and procedures of the Connecting Transmission Owner.

40.7.3.3 The ISO shall issue a report with the results of the Physical Infeasibility Screening for that Cluster. If, as a result of the Physical Infeasibility Screening or at any time in the Cluster Study Process, the ISO determines, in consultation with the Connecting Transmission Owner or Affected Transmission Owner, that the proposed interconnection of a Cluster Study Project is Physically Infeasible as defined in Section [40.7.3.2], then the ISO shall notify the Interconnection Customer that the proposed interconnection of its Cluster Study Project is Physically Infeasible and shall withdraw the Interconnection Request for the project pursuant to Section [40.6.4].

40.7.3.4 If: (i) more than one Interconnection Request in a Cluster proposes to interconnect at the same Point of Interconnection on the New York State Transmission System or Distribution System and (ii) all of the Interconnection Requests proposing to interconnect at that

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

location are not able in the aggregate to interconnect due to a Physical Infeasibility, then an Interconnection Request with a Queue Position with a higher designated priority shall have priority over an Interconnection Request with a Queue Position with a lower designated priority (including as between Interconnection Requests within the same Cluster) for access to that Point of Interconnection for purposes of Physical Infeasibility determinations.

40.7.3.5 For purposes of applying Section [40.7.3.4] if one or more of the Cluster Study Projects proposing to interconnect at the same Point of Interconnection are Contingent Projects, the Transmission Owner shall perform two Physical Infeasibility assessments.

40.7.3.5.1 For the first Physical Infeasibility assessment, the Transmission Owner (i) will assume, for all of the Contingent Projects, that their associated Pending Projects have accepted their Project Cost Allocation and provided the required cash or Security in, as applicable, the ongoing Class Year Study, Cluster Study, Additional SDU Study, or Small Generator Interconnection Procedures facilities study and (ii) will assess whether, with these Pending Projects assumed in the baseline of the system used in the assessment, there are Physical Infeasibility issues for any remaining Cluster Study Projects that are not Contingent Projects. This first assessment will be used for determining which Interconnection Requests for the Cluster Study Projects that are not Contingent Projects are Physically Infeasible if the Pending Project(s) proceed to accept their Project Cost Allocation and provide the required cash or Security in, as applicable, the ongoing Class Year Study, Cluster Study, Additional SDU Study, or Small Generator Interconnection Procedures facilities study.

40.7.3.5.2 For the second Physically Infeasible assessment, the Transmission Owner: (i) will assume for all Contingent Projects, that their associated Pending Projects do not accept their Project Cost Allocation and/or do not provide the required cash or Security in, as applicable, the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

ongoing Class Year Study, Cluster Study, or Additional SDU Study, or Small Generator Interconnection Procedures facilities study and (ii) assuming all of the Pending Projects are not used in the baseline of the system used in the assessment, will assess all Cluster Study Projects, including Contingent Projects, equally for their access to the Point of Interconnection and will apply the priority rules in Section [40.7.3.4].

40.7.4 Scoping Meeting

During the Customer Engagement Window, and after the ISO posts the Physical Infeasibility screening report, the ISO shall hold a group Scoping Meeting with all Interconnection Customers with validated Interconnection Requests included in the Cluster for that Cluster Study Process, along with the Connecting Transmission Owners and any Affected Transmission Owner(s) identified in connection with the Interconnection Requests. The ISO will provide notice of the Scoping Meeting by sending notice to the contact list of the Cluster Study Projects included in the Cluster Study Project List and the applicable Connecting Transmission Owners, Affected Transmission Owners, and Affected System Operators. ~~Within ten (10) Business Days after receipt of a valid Interconnection Request, the ISO shall establish a date agreeable to Developer and Connecting Transmission Owner for the Scoping Meeting, and such date shall be no later than thirty (30) Calendar Days from receipt of the valid Interconnection Request, unless otherwise mutually agreed upon by the Parties.~~

Commented [A2]: NYISO Comment: Clean language from existing OATT Att. X Section 30.3.3.4 as revised.

The purpose of the Scoping Meeting shall be to reinforce the roles and responsibilities of all parties in the interconnection process, including to discuss the study scope for the Cluster Study, the schedule, and the work plan, ~~discuss alternative interconnection options~~, to exchange information including any transmission data that would reasonably be expected to impact such interconnection options, to discuss the results of the Physical Infeasibility Screening, including

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

summarizing potential Physical Infeasibility issues, and to analyze such information. ~~and to~~
~~determine the potential feasible Points of Interconnection, and to determine if Developer wishes~~
~~to proceed with an Optional Interconnection Feasibility Study. The ISO, Connecting~~
~~Transmission Owner and Developer will bring to the meeting such technical data, including, but~~
~~not limited to: (i) general facility loadings, (ii) general stability issues, (iii) general short circuit~~
~~issues, (iv) general voltage issues, (v) general reliability issues, and (vi) general system~~
~~protection issues, and (vii) general deliverability issues as may be reasonably required to~~
~~accomplish the purpose of the meeting. The Connecting Transmission Owner and Affected~~
~~Transmission Owner(s), identified pursuant to Section 30.3.5 of this Attachment X, shall provide~~
~~input regarding the proposed Point(s) of Interconnection and configurations. The ISO,~~
Connecting Transmission Owner, Affected Transmission Owner(s), and Interconnection
CustomerDeveloper will also bring to the meeting personnel and other resources as may be
reasonably required to accomplish the purpose of the meeting in the time allocated for the
meeting. ~~On the basis of the meeting, Developer shall designate its Point of Interconnection,~~
~~pursuant to Section 30.6.1, and one or more available alternative Point(s) of Interconnection.~~
The duration of the meeting shall be sufficient to accomplish its purpose. ~~Within five (5)~~
~~Business Days after the Scoping Meeting, Developer shall advise the ISO whether it elects to~~
~~proceed with an Optional Interconnection Feasibility Study; provided, however, that such~~
~~requirement is subject to the interim transition timeframe and procedures for electing to proceed~~
~~to an Optional Interconnection Feasibility Study set forth in Section 30.5.3. If the Scoping~~
Meeting consists of more than one Interconnection Customer, the ISO shall issue, no later than
fifteen (15) Business Days after the commencement of the Customer Engagement Window, and
Interconnection Customer shall execute, a non-disclosure agreement prior to a group Scoping

Commented [A3]: NYISO Comment: Order 2023 Pro
Forma requirement, as revised.

IITF February 16, 2024 Working Draft
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Meeting, which will provide for confidentiality of commercially sensitive information identified in the Scoping Meeting pertaining to any other Interconnection Customers. Before holding a Scoping Meeting with an Affiliate of a Connecting Transmission Owner and that Connecting Transmission Owner, the ISO shall post on its OASIS an advance notice of its intent to do so.

Commented [A4]: NYISO Comment: Incorporated from OASIS reporting section.

40.7.5 Phase 1 Entry Decision Period

40.7.5.1 The Phase 1 Entry Decision Period for the Cluster Study Process shall commence on the first Business Day after the end date of the Customer Engagement Window.

40.7.5.2 The Phase 1 Entry Decision Period shall be a five (5) Business Day period.

40.7.5.3 A Cluster Study Project will be included in the Phase 1 Study if, during the Phase 1 Entry Decision Period, the Interconnection Customer for the Cluster Study Project:

(i) notifies the ISO of its election for its Cluster Study Project to proceed to the Phase 1 Study;

Commented [A5]: NYISO Comment: Inserted requirement from existing Att. X 30.8.2.1.

(ii) ~~With the completed Class Year Interconnection Facilities Study Agreement, Developer shall submit~~ to the ISO an updated proposed Initial Feedback ~~In-Service~~ Date, an updated proposed ~~Initial~~ Synchronization Date, and an updated proposed Commercial Operation Date ~~every ninety (90) Calendar Days; and~~

(iii) provides the ISO with the Readiness Deposit 1 for its Cluster Study Project in accordance with the requirements in Section [40.2.4.2]. The Readiness Deposit 1 shall be \$4,000 per MW based on the requested ERIS amount at the Point of Interconnection for the Cluster Study Project; *provided, however,* that a CRIS-Only Cluster Study Project is not required to provide Readiness Deposit 1 to proceed to the Phase 1 Study.

40.7.6 Withdrawal and Withdrawal Penalties

IITF February 16, 2024 Working Draft
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40.7.6.1 If an Interconnection Customer does not satisfy the requirements in Section [40.7.5.3] for the Cluster Study Project to proceed to the Phase 1 Study, then the ISO shall withdraw the Interconnection Request or CRIS-Only Request for the Cluster Study Project from the ISO's Queue pursuant to the Withdrawal requirements in Section [40.6.4].

40.7.6.2 If an Interconnection Customer withdraws the Interconnection Request or CRIS-Only Request for a Cluster Study Project, or the Interconnection Request or CRIS-Only Request is deemed withdrawn, from the ISO's Queue during the Customer Engagement Window or at the Phase 1 Entry Decision Period, the Cluster Study Project, including a CRIS-Only Cluster Study Project, shall pay a Withdrawal Penalty in an amount equal to twenty-five percent (25%) of its initial Study Deposit amount for the project; except for the following:

(i) if the Interconnection Request or CRIS-Only Request was withdrawn or was deemed withdrawn during the Customer Engagement Window up to five (5) Business Days after the ISO posted the Cluster Study Project List pursuant to Section [40.7.2.2], then there is no Withdrawal Penalty;

(ii) if the ISO determined that the Cluster Study Project cannot move forward due to Physical Infeasibility pursuant to Section [40.7.3], then the Cluster Study Project shall not be assessed a Withdrawal Penalty; and

(iii) if the Interconnection Request or CRIS-Only Request was for: (A) a Contingent Project that was withdrawn by the ISO pursuant to Section [40.5.4.1.3] or (B) for a Contingent Project that was converted to a CRIS-Only Cluster Study Project and informs the ISO of its election to withdraw prior to the Phase 1 Study pursuant to Section [40.5.4.1.3], then the Interconnection Request or CRIS-Only Request shall not be assessed a Withdrawal Penalty.

IITF February 16, 2024 Working Draft
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40.7.6.2.1 The ISO shall invoice **and** Interconnection Customer **shall pay**. any

Withdrawal Penalty **as set forth in** Section **[40.24.3]**.

40.7.6.3 The ISO shall apply the collected Withdrawal Penalty Funds pursuant to Section
[40.6.5].

40.8 Affected Systems

40.8.1 Coordination with Affected Systems within the New York Control Area

40.8.1.1 The ISO will coordinate the conduct of any studies required to determine the impact of the Interconnection Request on Affected Systems within the New York Control Area with Affected System Operators, as soon as they are identified – either by their own accord, by the Connecting Transmission Owner, by the ISO, or by members of the ISO’s Operating Committee or Transmission Planning Advisory Subcommittee of the ISO’s Operating Committee.

Commented [A1]: NYISO Comment: Relocated to Att. HH from Att. X Section 30.3.5.

40.8.1.2 The ISO will include those results on Affected Transmission Owner systems in the Cluster ~~its applicable Interconnection~~ Study within the time frame specified in these Standard ~~Large Facility~~ Interconnection Procedures. The ISO will also include results, if available, on other Affected Systems in the New York Control Area. The ISO will invite such Affected System Operators to all meetings held with the Interconnection Customer ~~Developer~~ as required by these Standard ~~Large Facility~~ Interconnection Procedures. The Interconnection Customer ~~Developer~~ will cooperate with the ISO in all matters related to the conduct of studies and the determination of modifications to Affected Systems. An Affected System Operator shall cooperate with the ISO and Connecting Transmission Owner with whom interconnection has been requested in all matters related to the type and/or conduct of studies and the determination of modifications to Affected Systems. ~~The ISO shall include in the appropriate interconnection study proposed studies requested by an identified Affected Transmission Owner to the extent such studies are reasonably justified in accordance with Good Utility Practice.~~

40.8.1.3 Upon completion of a Cluster ~~Class Year~~ Study in which an Interconnection Customer ~~Developer~~ accepts its Project Cost Allocation for System Upgrade Facilities and/or

*IITF February 16, 2024 Working Draft
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System Deliverability Upgrades and ~~pays cash or posts funds or commits Security for to fund~~ such upgrades as required by ~~this Attachment HH~~~~Attachment S~~, the ISO will tender, as applicable, a Standard Upgrade Construction Agreement or Standard Multiparty Upgrade Construction Agreement to the Interconnection Customer(s) Developer and Affected Transmission Owner(s) or Affected System Operator(s) in accordance with the requirements in Section [40.21] to this Attachment HH ~~will cooperate with the ISO in development of an Engineering, Procurement and Construction to provide~~ for the engineering, procurement and construction of the System Upgrade Facilities and/or System Deliverability Upgrades on the Affected System. ~~The Engineering, Procurement and Construction Agreement shall be consistent with the NYISO's Commission approved Standard Large Generator Interconnection Agreement located in Appendix 2 to Attachment X of the OATT, modified to address only the engineering, procurement and construction of the System Upgrade Facilities and/or System Deliverability Upgrades. The Parties to such agreement will use Reasonable Efforts to complete and execute the agreement, or submit the agreement unexecuted to the Commission, within six (6) months of the ISO's tender of the agreement.~~

40.8.1.4 For identified Affected Transmission Owner(s) of facilities that are electrically adjacent to the Point of Interconnection and that have design criteria, operational criteria, or other local planning criteria applicable to either (1) the substation to which the Interconnection Customer Developer proposes to interconnect; or (2) the substation that will be required to be built to accommodate the interconnection, the ISO shall provide such Affected Transmission Owner(s) with the opportunity to review and provide comments on all study scopes, study reports and drafts thereof for the project, and will be included on communications regarding the project and meetings discussing the project or any of its studies, where such communications or

IITF February 16, 2024 Working Draft
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meetings involve the ISO, Interconnection Customer~~Developer~~ and Connecting Transmission Owner. ~~The ISO shall include in the appropriate interconnection study proposed studies requested by such an identified Affected Transmission Owner to the extent such studies are reasonably justified in accordance with Good Utility Practice.~~

40.8.2 Coordination with External Affected Systems

40.8.2.1 The ISO will identify potential impacts on External Affected Systems during the Customer Engagement Window once the Cluster Year Projects participating in the Cluster for that Cluster Study Process have been confirmed. If the ISO subsequently identifies additional potential impacts on an External Affected System during its performance of the Cluster Study, the ISO will notify the External Affected System Operator of the impacts.

40.8.2.2 At the time of initial notification, the ISO~~Transmission Provider~~ must provide an impacted Interconnection Customer with a list of potential Affected Systems, along with relevant contact information for such systems.

40.8.2.3 The ISO ~~Transmission Provider~~ will coordinate the conduct of any studies required to determine the impact of the Interconnection Request on External Affected Systems with External Affected System Operators. Interconnection Customer will cooperate with the ISO~~Transmission Provider~~ and External Affected System Operator in all matters related to the conduct of studies and the determination of modifications to the External Affected Systems.

40.8.3 Study of Impacts to New York State Transmission System of an Affected System Interconnection Customer's Proposed Interconnection to Another Region's Transmission System

40.8.3.1 Applicability

This Section [40.8.3.1]⁹ outlines the duties of the ISO~~Transmission Provider~~ when it receives notification that an Affected System Interconnection Customer's proposed

Commented [A2]: NYISO Comment: Inserted new FERC Order 2023 Pro Forma rules on notifying External Affected Systems, as revised by NYISO.

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IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

interconnection to ~~another~~^{its host} ~~region's~~ transmission ~~system~~^{provider} may impact ~~the New York State Transmission Provider's~~ Transmission System. ~~If the New York State Transmission System~~ ^{A Transmission Provider whose system} may be impacted by a proposed interconnection on another ~~region's~~^{transmission provider's} transmission system, ~~the ISO~~ shall cooperate with the ~~other region~~^{transmission provider with whom interconnection has been requested} in all matters related to the conduct of studies and the determination of modifications to ~~the New York State Transmission Provider's~~ Transmission System.

Commented [A5]: NYISO Comment: FERC pro forma 3.6 as revised.

40.8.3.2 Response to Initial Notification

When ~~the ISO~~^{Transmission Provider} receives notification that an Affected System Interconnection Customer's proposed interconnection to ~~another region's transmission system~~^{its host transmission provider} may impact ~~the New York State Transmission Provider's~~ Transmission System, ~~the ISO~~^{Transmission Provider} must respond in writing within twenty (20) Business Days whether it intends to conduct an Affected System Study. By fifteen (15) Business Days after the ~~ISO~~^{Transmission Provider} responds with its affirmative intent to conduct an Affected System Study, ~~the ISO~~^{Transmission Provider} shall share with Affected System Interconnection Customer(s) and ~~its~~^{the Affected System Interconnection Customer's} host ~~region~~^{transmission provider} a non-binding good faith estimate of the cost and the schedule to complete the Affected System Study.

Commented [A6]: NYISO Comment: FERC pro forma 9.2 as revised.

40.8.3.3 Affected System Queue Position

~~The ISO~~^{Transmission Provider} must assign an Affected System Queue Position to Affected System Interconnection Customer(s) that require(s) an Affected System Study. Such Affected System Queue Position shall be assigned based upon the date of execution of the Affected System Study Agreement. ~~Relative to the Transmission Provider's Interconnection~~

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IITF February 16, 2024 Working Draft
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Customers, this Affected System Queue Position shall be higher queued than any Cluster that has not yet received its Cluster Study Report and shall be lower queued than any Cluster that has already received its Cluster Study Report. Consistent with Section [40.8.3.7]~~9.7~~ of this LGIP, the ~~ISO Transmission Provider~~ shall study the Affected System Interconnection Customer(s) that are all interconnecting in a particular region via Clustering, and all Affected System Interconnection Customers studied in the same Cluster under Section [40.8.3.7]~~9.7~~ shall be equally queued. For Affected System Interconnection Customers that are equally queued, the Affected System Queue Position shall have no bearing on the assignment of Affected System Network Upgrades identified in the applicable Affected System Study. The costs of the Affected System Network Upgrades shall be allocated among the Affected System Interconnection Customers in accordance with Section [40.8.3.9]~~9.9~~ of this LGIP.

40.8.3.4 Affected System Study Agreement/Multiparty Affected System Study Agreement.

Unless otherwise agreed, ~~the ISO Transmission Provider~~ shall provide to Affected System Interconnection Customer(s) an Affected System Study Agreement or ~~Multiparty Affected System Study Agreement~~, in the form of Appendix [6]~~9~~ or Appendix [7]~~10~~ to this Attachment HHLGIP, as applicable, within ten (10) Business Days of ~~the ISO Transmission Provider~~ sharing the schedule for the Affected System Study per Section [40.8.3.2]~~9.2~~ of this LGIP.

The ISO shall invoice the ~~Upon~~ Affected System Interconnection Customer(s) ~~receipt of the Affected System Study Report, Affected System Interconnection Customer(s) shall compensate Transmission Provider for the actual cost of the Affected System Study in accordance with the invoicing requirements in Section [40.24.3]. Any difference between the study deposit and the actual cost of the Affected System Study shall be paid by or refunded to the Affected System Interconnection Customer(s). Any invoices for the Affected System Study shall~~

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*IITF February 16, 2024 Working Draft
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include a detailed and itemized accounting of the cost of the study. Affected System Interconnection Customer(s) shall pay any excess costs beyond the already paid Affected System Study deposit or be reimbursed for any costs collected over the actual cost of the Affected System Study within thirty (30) Calendar Days of receipt of an invoice thereof. If Affected System Interconnection Customer(s) fail to pay such undisputed costs within the time allotted, it shall lose its Affected System Queue Position. ~~The ISO Transmission Provider~~ shall notify Affected System Interconnection Customer's host ~~region transmission provider~~ of ~~any such~~ failure to pay.

40.8.3.5 Execution of Affected System Study Agreement/Multiparty Affected System Study Agreement.

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Affected System Interconnection Customer(s) shall execute the Affected System Study Agreement/Multiparty Affected System Study Agreement, deliver the executed ~~Affected System Study Agreement/Multiparty Affected System Study Agreement~~ to ~~the ISO Transmission Provider~~, and provide the Affected System Study deposit ~~in the amount of \$100,000 in accordance with the requirements in Section [40.2.4]~~ within ten (10) Business Days of receipt.

If Affected System Interconnection Customer does not provide all required technical data when it delivers the Affected System Study Agreement/Multiparty Affected System Study Agreement, ~~the ISO Transmission Provider~~ shall notify the deficient Affected System Interconnection Customer, as well as ~~its the host region transmission provider with which Affected System Interconnection Customer seeks to interconnect~~, of the deficiency within five (5) Business Days of the receipt of the executed Affected System Study Agreement/Multiparty Affected System Study Agreement, and the deficient Affected System Interconnection Customer shall cure the deficiency within ten (10) Business Days of receipt of the notice: *provided*, however, that such deficiency does not include failure to deliver the executed Affected System

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Study Agreement/Multiparty Affected System Study Agreement or deposit for the Affected System Study Agreement/Multiparty Affected System Study Agreement. If Affected System Interconnection Customer does not cure the deficiency or fails to execute the Affected System Study Agreement/Multiparty Affected System Study Agreement or provide the deposit, the Affected System Interconnection Customer shall lose its Affected System Queue Position.

40.8.3.6-6 Scope of Affected System Study

40.8.3.6.1. The Affected System Study will use the most recent Annual Transmission Reliability Assessment or Cluster Project Assessment available at the time of the commencement of the Affected System Study. The ISO shall coordinate with the Affected System Interconnection Customer(s)' host region as necessary to align to the extent possible the network system modeling between the regions for purposes of the Affected System Study.

40.8.3.6.2 For the Affected System Study, the ISO shall first evaluate the impact that any Affected System Interconnection Customer's proposed interconnection to another regiontransmission provider's transmission system will have on the reliability of the New York StateTransmission Provider's Transmission System. The Affected System Study shall consider the Base Case as well as all Generating Facilities (and with respect to (iii) below, any identified Affected System Network Upgrades associated with such higher queued Interconnection Request) that, on the date the Affected System Study is commenced: (i) are directly interconnected to Transmission Provider's Transmission System; (ii) are directly interconnected to another transmission provider's transmission system and may have an impact on Affected System Interconnection Customer's interconnection request; (iii) have a pending higher queued Interconnection Request to interconnect to Transmission Provider's Transmission System; and (iv) have no queue position but have executed an LGIA or requested that an unexecuted LGIA be

Commented [A10]: NYISO Comment: FERC pro forma 9.6 as revised.

IITF February 16, 2024 Working Draft
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~~filed with FERC. Transmission Provider has no obligation to study impacts of Affected System Interconnection Customers of which it is not notified.~~ The Affected System Study shall consist, as applicable, of a power flow, stability, and short circuit analysis. The Affected System Study will: state the assumptions upon which it is based; state the results of the analyses; and provide the potential impediments to Affected System Interconnection Customer's receipt ~~of~~ interconnection service on its host ~~region~~ transmission provider's transmission system, including a preliminary indication of the cost and length of time that would be necessary to correct any problems identified in those analyses and implement the interconnection. The ISO will notify the Affected System Interconnection Customer(s) and its host region of this preliminary information. The Affected System Study will not assess deliverability. The ISO has no obligation to study impacts of Affected System Interconnection Customers of which it is not notified.

40.8.3.6.3 If the Affected System Study identifies needs that require Affected System Network Upgrades, the ISO will next perform, as applicable, short circuit/fault duty, steady state (thermal and voltage), and stability analysis to identify the Affected System Network Upgrades that are required for the reliability of the New York State Transmission System in accordance with the NYISO Transmission Interconnection Standard (as defined in Attachment P to the ISO OATT). For purposes of determining necessary Affected System Network Upgrades, the Affected System Study shall consider the level of interconnection service requested in megawatts by Affected System Interconnection Customer, unless otherwise required to study the full generating facility capacity due to safety or reliability concerns. The Affected Transmission Owner or Affected System Owner, as applicable, shall determine a +30/-15 estimate of the costs of the equipment, engineering and design work, procurement and construction work and

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

commissioning of the Affected System Network Upgrades identified in the Affected System Study. The cost estimates will be based on the assumption that the activities for which the Affected Transmission Owner or Affected System Owner calculates cost estimates are performed by the Affected Transmission Owner or Affected System Owner.

The Affected System Study shall provide a list of the required Affected System Network Upgrades with a dollar figure for each Affected System Interconnection Customer's allocated share of the costs of the Affected System Network Upgrades as determined in accordance with Section [40.8.3.9] facilities that are required as a result of Affected System Interconnection Customer's proposed interconnection to another transmission provider's system, a nonbinding good faith estimate of cost responsibility, and a non-binding good faith estimated time to construct. The Affected System Study may consist of a system impact study, a facilities study, or some combination thereof. The Affected System Study shall also include a preliminary schedule developed by the Affected Transmission Owner or Affected System Owner showing the estimated time required to complete the engineering and design, procurement, construction, installation and commissioning phases for the required Affected System Network Upgrades identified in the study.

40.8.3.7 Affected System Study Procedures

The ISO Transmission Provider shall use Clustering in conducting the Affected System Study and shall use existing studies to the extent practicable, when multiple Affected System Interconnection Customers that are part of a single Cluster may cause the need for Affected System Network Upgrades. The ISO Transmission Provider shall complete the Affected System Study and provide the Affected System Study Report to Affected System Interconnection Customer(s) and its the host region transmission provider with whom interconnection has been

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IITF February 16, 2024 Working Draft
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requested within three hundred (300)~~one hundred fifty (150)~~ Calendar Days after the receipt of (i) the completed Affected System Study Agreement without any deficiencies and related study deposit from Affected System Interconnection Customer(s); and (ii) the network system model(s) from its host region.

At the request of Affected System Interconnection Customer, the ISO~~Transmission Provider~~ shall notify Affected System Interconnection Customer as to the status of the Affected System Study. If the ISO~~Transmission Provider~~ is unable to complete the Affected System Study within the requisite time period, it shall notify Affected System Interconnection Customer(s) and its host region, as well as the transmission provider with which Affected System Interconnection Customer seeks to interconnect, and shall provide an estimated completion date with an explanation of the reasons why additional time is required. ~~If Transmission Provider does not meet the deadlines in this section, Transmission Provider shall be subject to the financial penalties as described in Section 3.9 of this LGIP. Upon request, Transmission Provider~~the ISO shall provide Affected System Interconnection Customer(s) with all supporting documentation, workpapers and relevant power flow, short circuit and stability databases for the Affected System Study, subject to confidentiality arrangements consistent with Section ~~[40.24.1]~~43.1 of this LGIP.

~~The ISO~~~~Transmission Provider~~ must study an Affected System Interconnection Customer using the Energy Resource Interconnection Service modeling standard used for Interconnection Requests on its own ~~T~~transmission ~~S~~system, regardless of the level of interconnection service that Affected System Interconnection Customer is seeking from its~~the~~ host ~~region~~transmission provider with whom it seeks to interconnect.

40.89.3.8 Meeting with the ISO~~Transmission Provider~~

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IITF February 16, 2024 Working Draft
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Within ten (10) Business Days of providing the Affected System Study Report to Affected System Interconnection Customer(s), ~~the ISO, Transmission Provider and Affected System Interconnection Customer(s), and Affected Transmission Owner or Affected System Operator~~ shall meet to discuss the results of the Affected System Study.

40.8.3.9 Affected System Cost Allocation and Decision Period

~~Transmission Provider shall allocate Affected System Network Upgrade costs identified during the Affected System Study to Affected System Interconnection Customer(s) using the proportional impact method for allocating System Upgrade Facilities set forth in Section [40.12.2] to this Attachment HH, consistent with Section 4.2.1(1)(b) of this LGIP.~~

40.8.3.10 Iterative Decision Period for Project Cost Allocation and Security Posting

40.8.3.10.1 Within five (5) Business Days after the completion of the meeting set forth in Section [40.8.3.8], the ISO shall commence an iterative decision period process for the Affected System Interconnection Customer(s) consistent with the requirements for conducting the Final Decision Period process in Section [40.15.2 – 40.15.4] by which the Affected System Interconnection Customer may accept its allocated costs for the Affected System Network Upgrades and pay cash or post Security to the Affected Transmission Owner or Affected System Owner for its allocated amount. If an Affected System Interconnection Customer does not accept its allocated cost or pay cash or post security for such amount in any of the rounds of the iterative decision process, its Affected System Queue Position shall be withdrawn consistent with the requirements in Section [40.6.4].

40.8.3.10.2 The iterative decision process will be repeated until none of the remaining eligible Affected System Interconnection Customers provide a Non-Acceptance Notice or commits a Security Posting Default as those terms are defined in [40.15].

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*IITF February 16, 2024 Working Draft
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40.8.3.10.3 If an Affected System Interconnection Customer accepted its allocated costs for the Affected System Network Upgrades and paid cash or posted Security for the allocated amount in the final decision round of the decision process consistent with the requirements in Section [40.15], including the requirements concerning the posting of Security, then the Affected System Interconnection Customer shall be subject to the Security forfeiture requirements in Section [40.16.1] and the future cost responsibility requirements in Section [40.16.3] for purposes of the Affected System Network Upgrades.

~~40.8.3.11~~ **9.10 Tender of Standard Upgrade Affected Systems Facilities Construction Agreement/Standard Multiparty Upgrade Affected System Facilities Construction Agreement.**

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As soon as practicable after the Affected System Interconnection Customer accepts its cost allocation for any Affected System Network Upgrades and pays cash or post security in accordance with Section [40.8.3.10], the ISO~~Transmission Provider~~ shall tender to Affected System Interconnection Customer(s) and, as applicable, the Affected System Operator or Affected Transmission Owner ~~an Standard Upgrade Affected System Facilities Construction Agreement/Standard Multiparty Upgrade Affected System Facilities Construction Agreement~~, as applicable, in the form of Appendix [16]~~11~~ or [17]~~12~~ to this Attachment HH~~LGP~~ in accordance with the requirements in Section [40.21] to this Attachment HH, within thirty (30) Calendar Days of providing the Affected System Study Report. Within ten (10) Business Days of the receipt of the Affected System Facilities Construction Agreement/Multiparty Affected System Facilities Construction Agreement, the Affected System Interconnection Customer(s) must execute the agreement or request the agreement to be filed unexecuted with FERC. Transmission Provider shall execute the agreement or file the agreement unexecuted within five (5) Business Days after receiving direction from Affected System Interconnection Customer(s). Affected

IITF February 16, 2024 Working Draft
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System Interconnection Customer's failure to execute the Affected System Facilities Construction Agreement/Multiparty Affected System Facilities Construction Agreement, or failure to request the agreement to be filed unexecuted with FERC, shall result in the loss of its Affected System Queue Position.

40.8.3.12~~9.11~~ Restudy.

If restudy of the Affected System Study is required pursuant to Section [40.8.3.10], the ~~ISO Transmission Provider~~ shall notify Affected System Interconnection Customer(s) and conduct such restudy in accordance with the requirements in Section [40.8.3.10] ~~in writing within~~ thirty (30) Calendar Days of discovery of the need for restudy. Such restudy shall take no longer than sixty (60) Calendar Days from the date of notice. Any cost of restudy shall be borne by the Affected System Interconnection Customer(s) being restudied.

IITF February 16, 2024 Working Draft
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40.9 Cluster Study Overview/ NYISO Minimum Interconnection Standard/ NYISO Deliverability Interconnection Standard/ Cluster Study Cost Allocation Rules Overview

40.9.1 Cluster Study Overview

The Cluster Study shall consist of:

(i) the ISO's development of the Existing System Representation used for the Cluster Study as set forth in Sections [40.10.3];

(ii) the Connecting Transmission Owners' and Affected Transmission Owners' performance of the Phase 1 Study for the Cluster Study Projects as set forth in Section [40.10.4];

(iii) the Phase 2 Study Entry Decision Period in which Interconnection Customers elect whether to satisfy the requirements for their Cluster Study Projects to proceed to the Phase 2 Study as set forth in Section [40.10.8];

(iv) the ISO's performance of the Phase 2 Study, in conjunction with the Connecting Transmission Owner and Affected Transmission Owner, for the Cluster Study Projects as set forth in Sections [40.11] through [40.14], including: (A) the ISO's development of the Cluster Baseline Assessment and Cluster Project Assessment models used for the Cluster Study as set forth in Section [40.12], (B) the ISO's assessment of the reliable interconnection of the Cluster Study Projects requesting ERIS in accordance with the NYISO Minimum Interconnection Standard as set forth in Section [40.12], (C) the ISO's assessment of the deliverability of Cluster Study Projects, including CRIS-Only Cluster Study Projects, requesting CRIS in accordance with the NYISO Deliverability Interconnection Standard in the Cluster Study Deliverability Study in accordance with Section [40.13], and (D) if applicable, the ISO's performance of an Additional SDU Study in accordance with Section [40.14]; and

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

(v) the Final Decision Period at the conclusion of the Phase 2 Study and, if applicable, the Additional SDU Study Decision Period, at the conclusion of any Additional SDU Study as set forth in Section [40.15].

40.9.2 Timeframes

The timeframe for the ISO's, Connecting Transmission Owners', and Affected Transmission Owners' performance of their responsibilities for the Phase 1 Study and Phase 2 Study will be scheduled for each Cluster Study Process as follows:

(i) The scheduled duration of the Phase 1 Study process will be a one hundred ninety (190) Calendar Day period between the Phase 1 Study Start Date and the ISO's presentation to its Operating Committee for its approval of the Phase 1 Cost Estimates Summary Report. Within this period, the scheduled duration for the Connecting Transmission Owners' and Affected Transmission Owners' submission of the draft and final Phase 1 Study reports are set forth in Section [40.10.5].

(ii) The scheduled duration of the Phase 2 Study process will be a two hundred seventy (270) Calendar Day period between the start date of the Phase 2 Study and the ISO's presentation of the draft Cluster Study Report to the Operating Committee for its approval.

40.9.3 Metrics and Reporting Obligation

[*]

40.9.4 No Prioritization of ~~Cluster Study~~ ~~Class Year~~ Projects or Projects in an Expedited Deliverability Study

There will be no prioritization of ~~(1) the Projects grouped and studied together in a Cluster Study~~ ~~Class Year~~; or ~~(2) the Projects grouped and studied together in an Expedited Deliverability Study~~, except as set forth in Section [40.7.3.4] in the event of a Physical Infeasibility determination. Each Project in a ~~Cluster~~ ~~ass Year~~ Study will, with other Projects in

Commented [A1]: NYISO Comment: The NYISO is still reviewing these timeframes and may propose further edits.

Commented [A2]: NYISO Comment: NYISO still updating existing study metrics for new Cluster Study process.

Commented [A3]: NYISO Comment: Relocated from Att. S Section 25.5.8; moved the priority language re: Expedited Deliverability Section to that stand-alone section.

*IITF February 16, 2024 Working Draft
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the same ~~Cluster Study~~^{ass-Year}, share in the then currently available functional or electrical capability of the transmission system, and share in the cost of the System Upgrade Facilities required to interconnect its respective Project and, for ~~Interconnection Customers~~^{Developers} seeking CRIS, System Deliverability Upgrades required under the NYISO Deliverability Interconnection Standard, in accordance with the rules set forth herein. ~~Each Project in an Expedited Deliverability Study will, with other Projects in the same Expedited Deliverability Study, share in the then currently available functional or electrical capability of the transmission system in accordance with the rules set forth herein.~~ For purposes of this Section ~~[40.9.4]~~^{25.5.8}, the “then currently available functional or electrical capability of the transmission system” is the functional or electrical capability of the transmission system currently available in the applicable base case.

40.9.5 Interconnection Facilities Covered by ~~the Cluster Study~~^{Attachment S}

40.9.5.1 Interconnection Standards

The interconnection facilities covered by the ~~Cluster Study~~^{se and its} cost allocation rules are (i) those required for the proposed project to reliably interconnect to the New York State Transmission System or to the Distribution System in a manner that meets the NYISO Minimum Interconnection Standard for ERIS, and (ii) those required for the project to meet the NYISO Deliverability Interconnection Standard for CRIS.

40.9.5.2 Interconnection Facilities

The interconnection facilities covered by ~~these~~ ~~Cluster Study and its~~ cost allocation rules ~~include are comprised of~~ the following types of facilities: Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades.

Commented [A4]: NYISO Comment: Added from Att. S (25.4)

40.9.6 **NYISO Minimum Interconnection Standard**

Commented [A5]: NYISO Comment: Added from Att. S Section 25.2.

40.9.6.1 **Scope and Purpose of Standard**

Each ~~Large Facility and each Small Generating Facility subject to this Attachment S pursuant to Section 32.3.5.3.2 of Attachment Z~~ must be evaluated under the NYISO Minimum Interconnection Standard in a Cluster ~~ass Year~~ Study. ~~A Transmission Owner that has constructed a reliability-based transmission or distribution system upgrade, or an upgrade pursuant to an order issued by a regulatory body requiring such construction, will not be deemed to be a Developer under these rules because of the construction of that upgrade.~~

Commented [A6]: NYISO Comment: Relocated this sentence to Application of Standard Interconnection Procedures in 40.2.

40.9.6.1.1 The NYISO Minimum Interconnection Standard is designed to ensure reliable access by the proposed project to the New York State Transmission System and to the Distribution System. The NYISO Minimum Interconnection Standard does not impose any deliverability test or deliverability requirement on the proposed project. Application of these rules, including the Cluster ~~Annual Transmission~~ Baseline Assessment and the Cluster Project ~~Annual Transmission Reliability~~ Assessment, to allocate responsibility for the cost of new transmission facilities to permit interconnection is not intended to affect the NYISO Minimum Interconnection Standard.

40.9.6.1.2 Consequently, the NYISO Minimum Interconnection Standard is not intended to address in any way the allocation of responsibility for the cost of upgrades and other new facilities associated with transmission service and the delivery of power across the Transmission System, the reduction of Congestion, economic transmission system upgrades, or the mitigation of Transmission System overloads associated with the delivery of power.

*IITF February 16, 2024 Working Draft
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[40.9.6.1.3](#) It is not anticipated that the installation of any interconnection facilities covered by the [NYISO](#) Minimum Interconnection Standard will improve the deliverability of power, reduce Congestion, or mitigate overloads associated with the delivery of power. If the installation of any facilities by an [Interconnection Customer-Developer](#) does improve deliverability, reduce Congestion and create Incremental Transmission Congestion Contracts, or mitigate overloads, then that situation will be handled in accordance with the relevant provisions of the ISO OATT, including Sections 3.7 and 4.5, and applicable FERC precedent.

[40.9.7](#) [NYISO](#) Deliverability Interconnection Standard

[40.9.7.1](#) Scope and Purpose of Standard

Each proposed or existing facility larger than 2 MW, and each facility with CRIS that requests an increase to its CRIS, must meet the NYISO Deliverability Interconnection Standard before it can receive CRIS or Unforced Capacity Deliverability Rights, unless otherwise provided for in this Attachment [HHS](#). For purposes of this Section [\[40.9.7.1\]25.3.1](#), a facility comprised of multiple Generators is a single “facility.” ~~Pursuant to Section 32.1.1.7 of Attachment Z to the OATT, a Small Generating Facility 2 MW or smaller may obtain CRIS without being evaluated for deliverability under the NYISO Deliverability Interconnection Standard. The requirement that a facility not subject to the ISO’s Large Facility Interconnection Procedures or Small Generator Interconnection Procedures must meet the NYISO Deliverability Interconnection Standard to become a qualified Installed Capacity Supplier first applies on May 19, 2016, subject to the transition rule specified in Section 25.9.3.4.1 of this Attachment S. Any facility with an established CRIS value may, at a later date, without submitting a new Interconnection Request, ask the ISO to reevaluate the facility for a higher level of MW of~~

Commented [A7]: NYISO Comment: Provision inserted from OATT Att. S 25.3 as revised.

Commented [A8]: NYISO Comment: CRIS provisions consolidated in the Interconnection Service rules in Att. HH 40.5.

IITF February 16, 2024 Working Draft
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~~Installed Capacity, not to exceed the permissible levels of CRIS that may be requested pursuant to Section 25.8.1 of this Attachment S, by entering a Class Year Study or Expedited Deliverability Study to identify requested increase in CRIS MW is deliverable. Any facility with an established CRIS value may, without such evaluation and without submitting a new Interconnection Request, increase its existing CRIS value by a total of no more than 2 MW of Installed Capacity during the operating life of the facility; *provided however*, for Projects comprised of multiple Generators, this CRIS increase up to 2 MW is permitted only at the facility (*i.e.*, Project) level, not at the individual Generator level. A facility that receives this up to 2 MW CRIS increase, to the extent it later combines with another facility or Project to become a multi-Generator co-located resource (*e.g.*, a Co-located Storage Resource or Distributed Energy Resource), is not eligible for any additional CRIS increase above 2 MW, including the MW of CRIS increase already received pursuant to this Section 25.3.1, without proceeding through a deliverability evaluation in a Class Year Study or Expedited Deliverability Study. Pursuant to Section 30.3.2.6 of Attachment X to the ISO OATT, an “established CRIS value” for facilities subject to a CRIS set and reset period pursuant to Sections 25.9.3.3, 25.9.3.1.4.1, 25.9.3.1.4.2, or 25.9.3.5 of this Attachment S is the final CRIS value established after the termination of the CRIS set and reset period.~~

~~As defined in Section 25.1 of this Attachment S, the term “Large Facility” includes a Class Year Transmission Project. A Class Year Transmission Project, as such term is defined in Section 25.1 of this Attachment S, includes any proposed new transmission facility that will interconnect to the New York State Transmission System or a proposed upgrade—an improvement to, addition to, or replacement of a part of an existing transmission facility—to the New York State Transmission System, for which (1) the Developer is eligible to request and~~

IITF February 16, 2024 Working Draft
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does request CRIS—in the form of Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights, as applicable, subject to the eligibility requirements set forth in the ISO Procedures; or (2) the Developer requests only ERIS and the transmission facility for which it requests ERIS is a transmission facility over which power flow can be directly controlled by power flow control devices directly connected to the Class Year Transmission Project without having to re-dispatch generation. Class Year Transmission Projects shall not include Attachment Facilities, Network Upgrade Facilities, System Upgrade Facilities or System Deliverability Upgrades.

40.9.7.1.1 The NYISO Deliverability Interconnection Standard is designed to ensure that the Project is deliverable throughout the New York Capacity Region(s) where the Project will interconnect or is interconnected. The NYISO Deliverability Interconnection Standard is also designed to ensure that the Interconnection Customer~~Developer~~ of the Project restores the transfer capability of any Other Interfaces degraded by its interconnection.

40.9.7.1.2 Each Project electing CRIS will be allowed to become an Installed Capacity Supplier, or will be allowed to receive Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights, in accordance with the rules of the New York Installed Capacity market, up to the amount of its deliverable capacity, as that amount is determined in accordance with the rules in this Attachment HH~~S~~, once the Interconnection Customer~~Developer~~ of the Project has paid cash or posted Security for~~funded or committed to fund~~ any required System Deliverability Upgrades in accordance with the rules in this Attachment HH~~S~~.

40.9.8 Overview of Cost Allocation Rules for Cluster Study

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.9.8.1

Purpose of the Rules

~~The purpose of these rules is~~ As set forth in this Attachment HH, the Cluster Study will

(1) ~~to~~ allocate responsibility among Interconnection Customers, ~~Developers and~~ Transmission Owners, and Load Serving Entities (“LSEs”), as described herein, for the cost of the new interconnection facilities that are required for the reliable interconnection of Projects to the New York State Transmission System and to the Distribution System in compliance with the requirements of the type of interconnection service elected by the Interconnection Customer~~Developer~~; and (2) allocate responsibility for the cost of interconnection facilities required for Capacity Resource Interconnection ~~s~~Service (“CRIS”) and interconnection in compliance with the NYISO Deliverability Interconnection Standard. Section ~~[40.12]~~25.6 of this Attachment ~~HH~~S describes the rules to estimate and allocate responsibility for the cost of the interconnection facilities required for Energy Resource Interconnection Service (“ERIS”) and interconnection in compliance with the NYISO Minimum Interconnection Standard. Section ~~[40.13]~~25.7 of this Attachment ~~HH~~S describes the rules to estimate and allocate responsibility for the cost of interconnection facilities required for CRIS and interconnection in compliance with the NYISO Deliverability Interconnection Standard. Every Interconnection Customer~~Developer~~ is responsible for the cost of the new interconnection facilities required for the reliable interconnection of its Project in compliance with the NYISO Minimum Interconnection Standard, as that responsibility is determined by these rules. In addition, every Interconnection Customer~~Developer~~ electing CRIS is also responsible for the cost of the interconnection facilities required pursuant to the NYISO Deliverability Interconnection Standard, as that responsibility is determined by these rules.

~~The rules in this Attachment S to the ISO OATT cover (i) Large Facilities greater than 20 MW subject to the Large Facility Interconnection Procedures set out in Attachment X to the ISO~~

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Commented [A10]: NYISO Comment: Applicability rules addressed in Att. HH rules in 40.2.

IITF February 16, 2024 Working Draft
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OATT (“LFIP”), (ii) ~~Small Generating Facilities no larger than 20 MW subject to the Small Generator Interconnection Procedures set out in Attachment Z to the ISO OATT (“SGIP”) that are required to enter a Class Year Study pursuant to Section 32.3.5.3.2 of the SGIP, and facilities greater than 2 MW that seek to obtain or increase CRIS beyond the levels permitted by this Attachment S, Section 30.3.2.6 of the LFIP and Section 32.4.11.1 of the SGIP, as applicable (each a “Project” and collectively, “Projects” for purposes of this Attachment S).~~

As described herein, the intent [of the cost allocation rules for the Cluster Study in this Attachment HH](#) is that each [Interconnection Customer](#)~~Developer~~ be held responsible for the net impact of the interconnection of its Project on the reliability of the New York State Transmission System. An [Interconnection Customer](#)~~Developer~~ is held responsible for the cost of the interconnection facilities that are required by its Project, facilities that would not be required but for its Project. However, an [Interconnection Customer](#)~~Developer~~ is not responsible for the cost of facilities that are, without considering the impact of its Project, required to maintain the reliability of the New York State Transmission System. Transmission Owners are, in accordance with the ISO OATT and FERC precedent, responsible for the cost of the facilities that are, without considering the impact of [Interconnection Customer](#)~~the Developer~~’s Project, required to maintain the reliability of the New York State Transmission System.

[40.9.8.2](#) Attachment Facilities

Each [Interconnection Customer](#)~~Developer~~ is responsible for 100% of the cost of the Attachment Facilities required for the reliable interconnection of its Project in compliance with the NYISO Minimum Interconnection Standard, as that responsibility is determined by these rules.

[40.9.8.3](#) Distribution Upgrades

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Commented [A12]: NYISO Comment: Incorporated from Att. S Section 25.5.7.

*IITF February 16, 2024 Working Draft
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Each Interconnection Customer~~Developer~~ is responsible for 100% of the cost of the Distribution Upgrades required for the reliable interconnection of its Project in compliance with the NYISO Minimum Interconnection Standard, as that responsibility is determined by these rules.

40.9.8.4 Side Agreements

These cost allocation rules will not preclude or supersede any binding cost allocation agreements that are executed between or among Interconnection Customers~~Developers~~, Connecting Transmission Owners, and/or Affected Transmission Owners; *provided, however*, that no such agreements will increase the cost responsibility or cause a material adverse change in the circumstances as determined by these rules of any Interconnection Customer~~Developer~~ or Transmission Owner who is not a party to such agreement.

Commented [A13]: NYISO Comment: Incorporated from Att. S Section 25.5.1.

40.9.8.5 Costs Covered By Attachment HHS

The interconnection facility cost allocated by these rules is comprised of all costs and overheads associated with the design, procurement, and installation of the new interconnection facilities. These rules do not address in any way the allocation of responsibility for the cost of operating and maintaining the new interconnection facilities once they are installed. Nor do these rules address in any way the ownership of the new interconnection facilities.

Commented [A14]: NYISO Comment: Incorporated from Att. S Section 25.5.2.

40.9.8.6 Dispatch Costs

Interconnection Customers~~Developers~~, Connecting Transmission Owners, and Affected Transmission Owners will not be charged directly for any redispatch cost that may be caused by the temporary removal of transmission facilities from service to install new interconnection facilities, as such cost is reflected in Locational Based Marginal Prices. Nor will existing

Commented [A15]: NYISO Comment: Incorporated from Att. S Section 25.5.3.

*IITF February 16, 2024 Working Draft
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generators be paid for any lost opportunity cost that may be incurred when their units are dispatched down or off in connection with the installation of new interconnection facilities.

40.9.8.7 Transmission Owners' Cost Recovery

Any Connecting Transmission Owner or Affected Transmission Owner implementation and construction of (i) System Upgrade Facilities as identified in the Cluster~~Annual~~ ~~Transmission~~ Baseline Assessment or Cluster Project~~Annual Transmission Reliability~~ Assessment, or (ii) System Deliverability Upgrades as identified in the Cluster Study~~Class Year~~ Deliverability Study, shall be in accordance with the ISO OATT, Commission-approved ISO Related Agreements, the Federal Power Act and Commission precedent, and therefore shall be subject to the Connecting Transmission Owner's or Affected Transmission Owner's right to recover, pursuant to appropriate financial arrangements contained in agreements or Commission-approved tariffs, all reasonably incurred costs, plus a reasonable return on investment.

Commented [A16]: NYISO Comment: Incorporated from Att. S Section 25.5.4.

IITF February 16, 2024 Working Draft
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40.10 Phase 1 Study, Development of System Models, and Phase 2 Entry Decision Period

40.10.1 Phase 1 Study Start Date and Duration

40.10.1.1 The Phase 1 Study for the Cluster Study Process shall commence on the first Business Day after the end date of the Phase 1 Entry Decision Period.

40.10.1.2 The Phase 1 Study period shall conclude with the ISO's presentation of the Phase 1 Cost Estimates Summary Report to the ISO's Operating Committee for its approval.

40.10.1.3 The duration of the Phase 1 Study shall be set forth in Section [40.9.2].

40.10.2 ISO Development Work for Cluster Study System Representation Models Prior to Commencement of Phase 1 Study

40.10.2.1.1 The ISO will develop the Existing System Representation in accordance with the requirements in Section [40.10.3]. The Existing System Representation is the foundation of the CBA and CPA models. The ISO shall develop the Existing System Representation and auxiliary files for a given Cluster Study during the Application Window and Customer Engagement Window for that Cluster Study Process. The Existing System Representation will be completed for a given Cluster Study after the conclusion of the Final Decision Period for the prior Class Year Study or Cluster Study and prior to the commencement of the Phase 1 Study for the ongoing Cluster Study Process.

40.10.2.1.2 Using the Existing System Representation, the ISO will develop the CBA in accordance with the requirements in Section [40.12.1]. The CBA evaluates the pre-existing baseline system before the Cluster Study Projects are included and identifies any System Upgrade Facilities and associated cost estimates for the system. The CBA determines the cost allocation of required facilities between Transmission Owners and Cluster Study Projects. The ISO will develop the CBA for a given Cluster Study during the Application Window and

*IITF February 16, 2024 Working Draft
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Customer Engagement Window for that Cluster Study Process. The short-circuit CBA base case must be completed before the Phase 1 Study for that Cluster Study Process can commence.

40.10.2.1.3 The ISO will develop the CPA in accordance with the requirements in Section [40.12.2] The CPA evaluates the condition of the system with the Cluster Study Projects added to the baseline system, identifies the System Upgrade Facilities required for the Cluster Study Projects collectively, and then performs a design, preliminary engineering, and estimation of costs and time to construct for each System Upgrade Facility. The CPA determines the cost allocation of required facilities among the Cluster Study Projects. The ISO will commence work on the CPA for a given Cluster Study during the Customer Engagement Window.

40.10.3 Existing System Representation

40.10.3.1 The ISO shall include in the Existing System Representation for purposes of the ATCBA and ATRCPA for a given Cluster~~ass Year~~ Study or Expedited Deliverability Study:

Commented [A1]: NYISO Comment: Inserted Existing System Representation requirements from OATT Att. S 25.5.5, as revised.

~~25.5.5.1 — For Class Years commencing subsequent to Class Year 2017 and before March 20, 2024: (i) the following facilities included in the ISO's most recent NYISO Load and Capacity Data Report: all generation identified as existing and all transmission facilities identified as existing and/or firm, excluding those facilities that are subject to Class Year cost allocation but for which Class Year cost allocations have not been accepted; (ii) all proposed Projects, together with their associated System Upgrade Facilities and System Deliverability Upgrades that have accepted their cost allocation in a prior Class Year cost allocation process; provided however, that System Deliverability Upgrades where construction has been deferred pursuant to Sections 25.7.12.2 and 25.7.12.3 of this Attachment S will only be included if construction of the System Deliverability Upgrades has been triggered under Section 25.7.12.3~~

IITF February 16, 2024 Working Draft
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of this Attachment S; (iii) all generation and transmission retirements and derates identified in the Load and Capacity Data Report as scheduled to occur during the five-year cost allocation study planning period; and (iv) Transmission Projects that are proposed under Attachments Y or FF of the ISO OATT and have met the following milestones prior to the Class Year Start Date: (1) have been triggered under the Reliability Planning Process, selected under the Short-Term Reliability Process, selected under the Public Policy Transmission Planning Process, or approved by beneficiaries under the Economic Planning Process; and (2) have a completed System Impact Study; (3) have a determination pursuant to Article VII that the Article VII application filed for the facility is in compliance with Public Service Law §122 (i.e., “deemed complete”) (if applicable); and (4) are making reasonable progress under the applicable OATT Attachments Y or FF planning process; (v) Transmission Projects that are not proposed under Attachments Y or FF to the ISO OATT that have completed a Facilities Study and posted Security for Network Upgrade Facilities as required in Section 22.11.1 of Attachment P to the ISO OATT and have a determination pursuant to Article VII that the Article VII application filed for the facility is in compliance with Public Service Law §122 (i.e., “deemed complete”) (if applicable); (vi) transmission projects not subject to the Transmission Interconnection Procedures or the Attachment X and S interconnection procedures (i.e., new transmission facilities or upgrades proposed by a Transmission Owner in its Local Transmission Owner Plan or NYPA transmission plan) identified as “firm” by the Connecting Transmission Owner and either (1) have commenced a Facilities Study (if applicable) and have an Article VII application deemed complete (if applicable); or (2) are under construction and scheduled to be in service within 12 months after the Class Year Start Date and (vii) all other changes to existing facilities, other than changes that are subject to Class Year cost allocation but that have not accepted their Class Year

*IITF February 16, 2024 Working Draft
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cost allocation, that are identified in the Load and Capacity Data Report or reported by Market Participants to the ISO as scheduled to occur during the five year cost allocation study planning period. Facilities in a Mothball Outage, an ICAP Ineligible Forced Outage, or Inactive Reserves will be modeled as in, and not removed from, the Existing System Representation. If the ISO has triggered multiple Transmission Projects under its Reliability Planning Process, the ISO will include in the base case the selected Transmission Project until or unless that project is halted or its Development Agreement is terminated, in which case the ISO will include in the base case the regulated backstop solution. The point of interconnection of a Retired generator with a terminated interconnection agreement is available to proposed facilities on a non-discriminatory basis pursuant to the ISO's applicable interconnection and transmission expansion processes and procedures. A Retired generator with an interconnection agreement that remains in effect after it is Retired will retain its right to the specific point of interconnection as provided for in the interconnection agreement and access to this point will not be available for new facilities.

~~25.5.5.2 For Class Years commencing on or after March 20, 2024:~~ (i) the following facilities included in the ISO's most recent NYISO Load and Capacity Data Report: all generation identified as existing and all transmission facilities identified as existing and/or firm, excluding those facilities that are subject, as applicable, to Class Year Study or Cluster Study cost allocation but for which Class Year Study or Cluster Study cost allocations have not been accepted;

(ii) all proposed Projects, together with their associated System Upgrade Facilities and System Deliverability Upgrades, as applicable, that have accepted their cost allocation in a prior Class Year Study or Cluster Study cost allocation process or in accordance with Section 32.3.5.7 of Attachment Z; *provided however*, that System Deliverability Upgrades where construction has

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

been deferred pursuant to Sections [\[40.13.12.2 and 40.13.12.3\]](#)~~25.7.12.2 and 25.7.12.3 of this Attachment S~~ will only be included if construction of the System Deliverability Upgrades has been triggered under Section [\[40.13.12.3\]](#)~~25.7.12.3 of this Attachment S~~;

(iii) [all Affected System Network Upgrades for which the Affected System Interconnection Customer has accepted their cost allocation and paid cash or posted security in accordance with Section \[40.8.3.10\]](#);

(iv) all proposed generators that interconnect to the distribution system through studies conducted outside of the NYISO's interconnection procedures (e.g., the New York State Standardized Interconnection Requirements ("NYSSIR") process or a utility's individual interconnection procedures) and have been identified as firm in accordance with ISO Procedures;

(iv) all generation and transmission retirements and derates identified in the [NYISO Load and Capacity Data Report](#) as scheduled to occur during the five-year cost allocation study planning period;

(vi) Transmission Projects that are proposed under Attachments Y or FF of the ISO OATT and have met the following milestones prior to the [start date of the Customer Engagement Window for that Cluster Study Process](#)~~Class Year Start Date~~: (1) have been triggered under the Reliability Planning Process, selected under the Short-Term Reliability Process, selected under the Public Policy Transmission Planning Process, or approved by beneficiaries under the Economic Planning Process, (2) have, [if applicable](#), a completed System Impact Study [in accordance with Attachment P to the ISO OATT](#), and (3) are making reasonable progress under the applicable OATT Attachments Y or FF planning process;

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

(vi) Transmission Projects that are not proposed under Attachments Y or FF to the ISO OATT that have completed a Facilities Study and posted Security for Network Upgrade Facilities as required in Section 22.11.1 of Attachment P to the ISO OATT (if applicable);

(vii) transmission projects that are not subject to the Transmission Interconnection Procedures, the Standard Large Facility Interconnection Procedures, or the Standard Interconnection Procedures ~~or the Attachment X and S interconnection procedures~~ (i.e., new transmission facilities or upgrades proposed by a Transmission Owner in its Local Transmission Owner Plan or NYPA transmission plan) identified as “firm” by the Connecting Transmission Owner before the start date of the Customer Engagement Window for the Cluster Study Process and either (1) have commenced a Facilities Study in accordance with Section 3.7 of the OATT (if applicable) and have an Article VII application deemed complete (if applicable); or (2) are under construction and scheduled to be in-service within 12 months after the Cluster Study Process ~~Class Year~~ Start Date; and

(~~ix~~^{viii}) all other changes to existing facilities ~~—~~ other than changes that are subject to, as applicable, Class Year Study or Cluster Study cost allocation but that have not accepted their Class Year or Cluster Study cost allocation or have not paid cash or posted Security for their accepted cost allocation ~~—~~; that are identified in the NYISO Load and Capacity Data Report or reported before the start date of the Customer Engagement Window for the Cluster Study Process by Market Participants to the ISO as scheduled to occur during the five year cost allocation study planning period.

40.10.3.2 Facilities in a Mothball Outage, an ICAP Ineligible Forced Outage, or Inactive Reserves will be modeled as in, and not removed from, the Existing System Representation.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.10.3.3 If the ISO has triggered multiple Transmission Projects under its Reliability Planning Process, the ISO will include in the base case the selected Transmission Project until or unless that project is halted or its Development Agreement is terminated, in which case the ISO will include in the base case the regulated backstop solution.

40.10.3.4 The point of interconnection of a Retired generator with a terminated interconnection agreement is available to proposed facilities on a non-discriminatory basis pursuant to the ISO's applicable interconnection and transmission expansion processes and procedures. A Retired generator with an interconnection agreement that remains in effect after it is Retired will retain its right to the specific point of interconnection as provided for in the interconnection agreement and access to this point will not be available for new facilities.

~~25.5.5.2 — The System Upgrade Facilities listed on Exhibit A to the Financial Settlement shall be included in the Existing System Representation. Such System Upgrade Facilities shall be shown as in service in the first year of the five-year cost allocation study planning period and in each subsequent year, unless such System Upgrade Facilities are cancelled or otherwise not in service by January 1, 2010; provided that if such facilities are expected to be in service after January 1, 2010, starting with the Class Year 2010, the ISO shall independently determine such later date when the System Upgrade Facilities are expected to be in service and represent them according to the ISO's determination.~~

~~25.5.5.3 — System Upgrade Facilities not listed on Exhibit A to the Financial Settlement, but for which cost allocations have been accepted in a prior Class Year cost allocation process, shall be represented in the Existing System Representation for subsequent cost allocation studies in the year of their anticipated in-service date.~~

40.10.4 Phase 1 Study Scope and Procedures

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.10.4.1 Following the start date of the Phase 1 Study, the ISO will submit to the Connecting Transmission Owners and Affected Transmission Owners an updated Cluster Study Project List and the CPA short-circuit model. Upon the ISO's submission of these materials, (i) the Connecting Transmission Owner identified by the ISO pursuant to Section [40.5.7.1.1] on which system a Cluster Study Project proposes to interconnect shall perform a Phase 1 Study for that project, and (ii) any Affected Transmission Owner identified by the ISO pursuant to Section [40.5.7.1.1] which system is impacted by the proposed interconnection of a Cluster Study Project shall perform a separate Phase 1 Study for that project, unless the Affected Transmission Owner indicates that no study is required or agrees with the Connecting Transmission Owner to include its input with the Connecting Transmission Owner's Phase 1 Study report. The Phase 1 Studies for all of the Cluster Study Projects participating in a given Cluster shall be performed to the extent practicable on a concurrent basis during the Phase 1 Study period; *provided, however, that* a Phase 1 Study will not be performed for a CRIS-Only Cluster Study Project.

40.10.4.2 For purposes of the Phase 1 Study, the Connecting Transmission Owner or Affected Transmission Owner shall perform a design and engineering study to identify the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and Local System Upgrade Facilities, along with the related metering, protection, and telecommunication facilities, required to reliably interconnect the Cluster Study Project with the New York State Transmission System or Distribution System in accordance with Applicable Reliability Requirements. The Phase 1 Study will evaluate any potential control equipment proposed by the Interconnection Customer for requests for ERIS that are lower than the full output of the Facility and will identify any required Interconnection Facilities for system protection and coordination purposes. The Phase 1 Study will also identify the electrical switching configuration of the

Commented [A2]: NYISO Comments: Requirements drawn from Att X. 30.8.2, as revised.

IITF February 16, 2024 Working Draft
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connection equipment, including, without limitation: the transformer, switchgear, meters, and other station equipment.

40.10.4.3 The Phase 1 Study shall determine a +30/-15 estimate of the costs of the equipment, engineering and design work, procurement and construction work and commissioning of the required Local System Upgrade Facilities, Distribution Upgrades, and Connecting Transmission Owner's Interconnection Facilities that are identified in the study in accordance with Good Utility Practice and, for each of these cost categories, shall specify and estimate the cost of the work to be done at each substation and/or transmission or, if applicable, distribution line to physically and electrically connect each facility in the Cluster to the New York State Transmission System and Distribution System. The cost estimates will be based on the assumption that the activities for which the Transmission Owner calculates cost estimates are the responsibility of the Transmission Owner and shall be subject to reasonable exclusions (e.g., environmental, subsurface conditions, permitting, site acquisition costs). The categories of costs excluded from the estimates shall be identified in the Phase 1 Study report and the Standard Interconnection Agreement. The Phase 1 Study shall also include a preliminary schedule showing the estimated time required to complete the engineering and design, procurement, construction, installation and commissioning phases for the required Local System Upgrade Facilities, Distribution Upgrades, and Connecting Transmission Owner's Interconnection Facilities identified in the study.

40.10.4.4 Upon request, the Connecting Transmission Owner or Affected Transmission Owner~~ISO~~ shall provide each Cluster Study~~Class-Year~~ Project for which it has performed a Phase 1 Study supporting documentation, workpapers, and databases or data developed in the

Commented [A3]: NYISO Comment: Requirements drawn from Att. X 30.8.2, as revised.

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*IITF February 16, 2024 Working Draft
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preparation of the Phase 1 ~~Class-Year Interconnection Facilities~~ Study, subject to non-disclosure arrangements consistent with Section [40.24.1] ~~30.13.1~~.

40.10.5 Phase 1 Study Reports

The Connecting Transmission Owner or Affected Transmission Owner shall provide its draft Phase 1 Study report for a Cluster Study Project to the Interconnection Customer and the ISO no later than one hundred fifty (150) Calendar Days after the date the ISO provided it with the updated Cluster Study Project List and the CPA short-circuit model pursuant to Section [40.10.4.1]. The Interconnection Customer, **Affected Transmission Owner**, and the ISO shall then have ten (10) Business Days to review the draft reports and provide any comments to the applicable Connecting Transmission Owner or Affected Transmission Owner. The Connecting Transmission Owners and Affected Transmission Owners then have seven (7) Business Days to review comments and to submit the finalized Phase 1 Study reports to the ISO and the Interconnection Customer.

40.10.6 Stakeholder Review of the Phase 1 Cost Estimates Summary Report

Following the ISO's receipt of the draft Phase 1 Study reports, the ISO will present a draft Phase 1 Cost Estimates Summary Report that summarizes the cost estimates identified for Cluster Study Projects in the draft Phase 1 Studies to its stakeholder Transmission Planning Advisory Subcommittee. Following its receipt of the finalized Phase 1 Study reports and no later than the conclusion of the Phase 1 Study time period set forth in Section [40.10.1.3], the ISO will update the draft Phase 1 Cost Estimates Summary Report and present the final Phase 1 Cost Estimates Summary Report to stakeholders for approval at the ISO's Operating Committee.

40.10.7 Cost Recovery for Preparatory Work for Phase 2 Study

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

To the extent the ISO, Connecting Transmission Owner(s), and Affected Transmission Owners commence study work for the Phase 2 Study during the Phase 1 Study period, the ISO will invoice Interconnection Customers for such study costs.

40.10.8 Phase 2 Entry Decision Period

40.10.8.1 The Phase 2 Entry Decision Period for the Cluster Study Process shall commence on the first Business Day after the ISO's Operating Committee approval of the Phase 1 Cost Estimates Summary Report in accordance with Section [40.10.6].

40.10.8.2 The Phase 2 Entry Decision Period shall be a ten (10) Business Day period.

40.10.8.3 A Cluster Study Project shall be included in the Phase 2 Study if, during the Phase 2 Entry Decision Period, the Interconnection Customer for the Cluster Study Project notifies the ISO of its election to proceed to the Phase 2 Study, and, as applicable:

(i) satisfies the Readiness Deposit 2 requirements for its Cluster Study Project as determined in accordance with Section [40.10.8.4]; *provided, however,* that a CRIS-Only Cluster Study Project is not required to provide Readiness Deposit 2 to proceed to the Phase 2 Study; and

(ii) if Interconnection Customer submitted a Site Control Deposit with its Interconnection Request in lieu of demonstrating Site Control in accordance with Section [40.5.5.1.5.1], Interconnection Customer must satisfy the requirements in Section [40.5.4.4].

40.10.8.4 The Readiness Deposit 2 for a Cluster Study Project is the greater of: (i) the Readiness Deposit 1 amount for the Cluster Study Project, and (ii) 20% of the cost estimate determined in the Phase 1 Study for any Connecting Transmission Owner's Attachment

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Facilities, Distribution Upgrades, and Local System Upgrade Facilities for the Cluster Study Project.

40.10.8.4.1 To satisfy the Readiness Deposit 2 requirement for the Cluster Study Project, the Interconnection Customer must submit to the ISO during the Phase 2 Entry Decision Period in accordance with the requirements in Section [40.2.4.2] the incremental difference, if any, between the Readiness Deposit 1 amount that it previously submitted for the project and the Readiness Deposit 2 amount for the project calculated pursuant to this Section [40.10.8.4]. -If the Readiness Deposit 1 amount for the project is the same as the Readiness Deposit 2 amount calculated pursuant to this Section [40.10.8.4], Interconnection Customer is not required to take any action during the Phase 2 Entry Decision Period to satisfy the Readiness Deposit 2 requirement.

40.10.8.4.2 The Readiness Deposit 1 amount for the Cluster Study Project and the incremental difference for the project, if any, submitted by the Interconnection Customer pursuant to this Section [40.10.8.4] shall, in total, constitute the Readiness Deposit 2 for the Cluster Study Project and replace the Readiness Deposit 1 for the project.

40.10.9 Withdrawal and Withdrawal Penalties

40.10.9.1 If an Interconnection Customer does not satisfy the requirements in Section [40.10.8.3] for the Cluster Study Project to proceed to the Phase 2 Study, then the ISO shall withdraw the Interconnection Request for the Cluster Study Project from the ISO's Queue pursuant to the Withdrawal requirements in Section [40.6.4].

40.10.9.2 If an Interconnection Customer withdraws the Interconnection Request or CRIS-Only Request for a Cluster Study Project, or the Interconnection Request or CRIS-Only

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Request for the Cluster Study Project is deemed withdrawn, from the ISO's Queue during the Phase 1 Study or at the Phase 2 Entry Decision Period, the Cluster Study Project shall pay a Withdrawal Penalty in an amount equal to fifty percent (50%) of its initial Study Deposit and ten percent (10%) of its Readiness Deposit 1 for the project; except for the following:

(i) a CRIS-Only Cluster Study Project shall only pay a Withdrawal Penalty in the amount of fifty percent (50%) of its initial Study Deposit amount;

(ii) if the ISO determined that the Cluster Study Project cannot move forward due to Physical Infeasibility pursuant to Section [40.7.3], then the Cluster Study Project shall not be assessed a Withdrawal Penalty; and

(iii) if the Interconnection Request or CRIS-Only Request was for a Contingent Project that was withdrawn by the ISO pursuant to Section [40.5.4.1.3], then the Interconnection Request or CRIS-Only Request shall not be assessed a Withdrawal Penalty.

40.10.9.3.1 The ISO shall invoice, and Interconnection Customer shall pay, for any Withdrawal Penalty as set forth in Section [40.24.3].

40.10.9.4 The ISO shall apply the collected Withdrawal Penalty Funds pursuant to Section [40.6.5].

40.11 Phase 2 Study

40.11.1 Phase 2 Study Start Date and Duration

40.11.1.1 The Phase 2 Study for the Cluster Study Process shall commence on the first Business Day after the end date of the Phase 2 Entry Decision Period.

40.11.1.2 The Phase 2 Study period shall conclude with the ISO's presentation of the Cluster Study Report to the ISO's Operating Committee for approval.

40.11.1.3 The duration of the Phase 2 Study shall be set forth in Section [40.9.2].

40.11.2 Phase 2 Study - Scope and Procedures of Energy Resource Interconnection

Services Analysis

40.11.2.1 For the Phase 2 Study, for purposes of assessing the requested ERIS for the Cluster Study Projects on a concurrent basis, the ISO shall perform ~~Interconnection Studies conducted under the Large Facility Interconnection Procedures consist of~~ short circuit/fault duty, steady state (thermal and voltage) and stability analyses that are built on the CBA and CPA system representation model ~~designed~~ to identify the ~~Attachment Facilities, Distribution Upgrades and~~ System Upgrade Facilities and Distribution Upgrades required for the reliable interconnection of ~~Large~~ Facilities to the New York State Transmission System or to the Distribution System in compliance with the NYISO Minimum Interconnection Standard in accordance with the requirements in Section [40.12]. The Connecting Transmission Owner will perform the individual breaker analysis required for the ISO's short-circuit analysis and the bus flow analysis required for the ISO's thermal analysis.

40.11.2.2 During the Phase 2 Study, the Connecting Transmission Owners and Affected Transmission Owners shall update the Connecting Transmission Owners' Attachment Facilities.

Commented [A1]: NYISO Comment: Language relocated from OATT Att. X 30.3.2.7.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Distribution Upgrades, and System Upgrade Facilities identified in the Phase 1 Study for individual Cluster Study Projects and the related cost estimates.

40.11.2.3 The ISO shall also determine as set forth in Section [40.17] any electrical or functional headroom reimbursements from the current Cluster Study to prior Class Year Projects or Cluster Study Projects.

40.1.3 Phase 2 Study – Scope of Capacity Resource Interconnection Service Analysis

40.11.3.1 For the Phase 2 Study, the ISO shall perform a Cluster Study Deliverability Study in accordance with Section [40.13] for the Cluster Study Projects requesting CRIS, including CRIS-Only Cluster Study Projects, on a concurrent basis to assess their reliable interconnection with the requested CRIS in compliance with the NYISO Deliverability Interconnection Standard. The ISO will assess the amount of requested CRIS that would be deliverable without System Deliverability Upgrades, if any; identify the System Deliverability Upgrades required to make the requested CRIS fully deliverable; and determine whether an Additional SDU Study for a new System Deliverability Upgrade is required. If an Additional SDU Study is required, the ISO shall perform such study in accordance with the requirements in Section [40.14].

40.11.4 Determination of Cost Estimates and Schedule for SUFs, Distribution Upgrades, and SDUs Identified in Phase 2 Study
[*]

Commented [A2]: NYISO Comment: NYISO still developing description of determination of cost estimate for facilities identified in Phase 2 Study.

40.11.5 Phase 2 Study – Additional Requirements

40.11.5.1 The Phase 2~~Cluster~~ Study shall evaluate the use of static synchronous compensators, static VAR compensators, advanced power flow control devices, transmission switching, synchronous condensers, voltage source converters, advanced conductors, and tower lifting. The ISO~~Transmission Provider~~ shall determine whether the above technologies should be

Commented [A3]: NYISO Comment: Inserted from FERC Order 2023 Pro Forma.

*IITF February 16, 2024 Working Draft
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used, consistent with Good Utility Practice and other applicable regulatory requirements. The
ISO Transmission Provider shall include an explanation of the results of the ISO Transmission
Provider's evaluation for each technology in the Cluster Study Report.

40.11.5.2 The ISO shall coordinate the Phase 2 Study ~~Class Year Interconnection Facilities~~
~~Study~~ with the Connecting Transmission Owner and Affected Transmission Owners, and with any
other Affected System pursuant to Section [40.8] ~~30.3.5 above~~. The ISO shall utilize existing studies
to the extent practicable in performing the Phase 2 ~~Class Year Interconnection Facilities~~ Study,
including in performing the CBA, CPA, and Cluster Study Deliverability Study, ~~including any~~
~~deliverability analyses from the System Reliability Impact Study, as applicable.~~

Commented [A4]: NYISO Comment: Revisions drawn from Att. X. 30.8.3

40.11.5.3 Upon request, the ISO, Connecting Transmission Owner, Affected Transmission
Owner, or Affected System Operator shall provide each Cluster Study ~~Class Year~~ Project supporting
documentation, workpapers, and databases or data developed in the preparation of the Phase 2 ~~Class~~
~~Year Interconnection Facilities~~ Study, subject to non-disclosure arrangements consistent with Section
[40.24.1] ~~30.13.1~~.

40.11.6 Status of Cluster Study Projects

Commented [A5]: NYISO Comment: Inserts from Att. X 30.8.2.1 and 30.8.2.2.

40.11.6.1 ~~30.8.2.1~~ ~~With the completed Class Year Interconnection Facilities Study~~
~~Agreement~~ At the completion of the first calendar quarter following the start date of the Phase 2
Study, and at the conclusion of each subsequent calendar quarter, Interconnection
Customer Developer shall submit to the ISO an updated proposed Initial Feedback ~~In Service~~
Date, an updated proposed ~~Initial~~ Synchronization Date, and an updated proposed Commercial
Operation Date, ~~every ninety (90) Calendar Days~~.

40.11.6.2 ~~30.8.2.2~~ At the completion of the first month following the start date of the
Phase 2 Study, and at the conclusion of every other month, ~~Following commencement of the~~
~~activities described in Section 30.8.2 of this Attachment X~~, for each Cluster Study ~~Class Year~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Project not yet in service, the Cluster Study ~~Class Year~~ Project, that Cluster Study ~~ass Year~~ Project's Connecting Transmission Owner and each Affected Transmission Owner(s) shall report ~~every other month~~ on the progress of their respective activities to the ISO and to each other. Such reports shall be in a format consistent with, and include the content required by, applicable ISO Procedures. In these ~~bimonthly~~ reports provided every other month, each Cluster Study ~~ass Year~~ Project and Connecting Transmission Owner and Affected Transmission Owner(s) shall report any material variance from earlier schedule estimates for their respective activities, and the reasons for such variance. In addition, the Connecting Transmission Owner and Affected Transmission Owner(s) shall report any material variance from earlier cost estimates for its activities, and the reasons for such variance.

40.11.7 Draft Cluster Study Report

The ISO will present the draft Cluster Study Report for the ISO's Operating Committee approval. For a Facility comprised of multiple Generators, the Cluster Study Report will identify the allocation of the Cluster Study Project's requested CRIS among its multiple Generators, as applicable.

Commented [A6]: NYISO Comment: NYISO to consolidate description of Operating Committee presentation among Phase 2 Study, CBA/CPA, and Cluster Study Deliverability Study sections.

Commented [A7]: NYISO Comment: Relocated from Att. S Section 25.8.1.

40.11.8 Re-Study

If re-study of the Cluster ~~Class Year Interconnection Facilities~~ Study and cost allocation report is required pursuant to Section [40.15.2] ~~25.8.2~~ and Section [40.15.3] ~~25.8.3 of Attachment S~~, the ISO shall so notify Cluster Study ~~Class Year~~ Projects and conduct such re-study in accordance with the requirements of this Attachment HH ~~Attachment S~~. Any cost of re-study shall be borne by the Cluster Study ~~Class Year~~ Projects being re-studied.

Commented [A8]: NYISO Comment: Insert from Att. X 30.8.5.

40.12 Cluster Baseline Assessment and Cluster Project Assessment

40.12.1 ~~25.6.1~~ Cluster Baseline Assessment (CBA) for Cost Allocation Between Interconnection Customers ~~Developers~~ and Connecting Transmission Owners ~~(ATBA)~~

Commented [A1]: NYISO Comment: Relocated from OATT Att. S 25.6.1

The cost of System Upgrade Facilities is first allocated between Interconnection Customers ~~Developers~~ and Connecting Transmission Owners, in accordance with the rules that are discussed below in this Section [40.12.1] ~~25.6.1~~. For purposes of this 40.12.1, the requirements applicable to Connecting Transmission Owner also apply to Affected Transmission Owner or Affected System Operator.

40.12.1.1 ~~25.6.1.1~~ The cost of System Upgrade Facilities is allocated between Interconnection Customers ~~Developers~~ and Connecting Transmission Owners based upon the results of an ~~Annual Transmission~~ Cluster Baseline Assessment of the five-year need for System Upgrade Facilities. The ~~Annual Transmission~~ Cluster Baseline Assessment, as described in these rules, will be conducted by the ISO ~~staff~~ in cooperation with Market Participants. No Market Participant will have decisional control over any determinative aspect of the ~~Annual Transmission~~ Cluster Baseline Assessment. The ISO ~~and its staff~~ will have decisional control over the entire ~~Annual Transmission~~ Cluster Baseline Assessment. If, at any time, the ISO ~~staff~~ decides that it needs specific expert services from entities such as Market Participants, consultants or engineering firms for it to conduct the ~~Annual Transmission~~ Cluster Baseline Assessment, then the ISO will enter into appropriate contracts with such entities for such input. As it conducts each ~~Annual Transmission~~ Cluster Baseline Assessment, the ISO ~~staff~~ will provide regularly scheduled status reports and working drafts, with supporting data, to the Operating Committee to ensure that all affected Market

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Participants have an opportunity to contribute whatever information and input they believe might be helpful to the process. Each completed ~~Annual~~ ~~Transmission~~ Cluster Baseline Assessment will be reviewed and approved by the Operating Committee. Each ~~Annual Transmission~~ Cluster Baseline Assessment is reviewable by the ISO Board of Directors in accordance with provisions of the Commission-approved ISO Agreement.

40.12.1.1.1 ~~25.6.1.1.1~~ The purpose of the ~~Annual Transmission~~ Cluster Baseline Assessment is to identify the System Upgrade Facilities that Transmission Owners are expected to need during the five-year period covered by the ~~A~~ assessment to reliably meet the load growth and changes in the load pattern projected for the New York Control Area, with cost estimates for the System Upgrade Facilities.

40.12.1.2 ~~25.6.1.1.1~~ **Procedure for Cluster ~~Annual Transmission~~ Baseline Assessment**

The procedure used to identify the System Upgrade Facilities that will ensure that New York State Transmission System facilities are sufficient to reliably serve existing load and meet load growth and changes in load patterns in compliance with NYSRC Reliability Rules, NPCC Basic Design and Operating Criteria, NERC Planning Standards, ISO rules, practices and procedures, and the Connecting Transmission Owner criteria included in FERC Form No. 715 (collectively “Applicable Reliability Requirements”). In order for the ISO to recognize any revisions to Connecting Transmission Owner criteria as Applicable Reliability Requirements under this Attachment HHS ~~or Applicable Reliability Standards under Attachments X and Z~~, the Connecting Transmission Owner shall present proposed revisions to such criteria to the Operating Committee or one of its subcommittees. To the extent such revised criteria are not

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

inconsistent with Order No. 2003 or the ISO's interconnection procedures set forth in [this](#) Attachment ~~HHs, S, X and Z~~ to the OATT, the ISO will accept such revised criteria. The procedure will use the Applicable Reliability Requirements in effect when the ~~Annual Transmission~~ [Cluster](#) Baseline Assessment is commenced. The procedure will be:

[40.12.1.2.1](#)~~25-6.1.1.1.1.1~~ The ISO ~~staff~~ will first develop the Existing System Representation.

[40.12.1.2.2](#)~~25-6.1.1.1.1.2~~ The ISO ~~staff~~ will then utilize the Existing System Representation to develop existing system improvement plans with each Transmission Owner. These improvement plans will use ISO data from the annual NYISO Load and Capacity Data Report to project system load growth and changes in load patterns, including those that reflect demand side management, and will identify the System Upgrade Facilities needed year-by-year for the existing system to reliably serve projected load in the Transmission Owner's Transmission District for a five-year period. The ISO staff will integrate these existing system improvement plans into the ~~Annual Transmission~~ [Cluster](#) Baseline Assessment to ensure that the System Upgrade Facilities needed for a five-year period are identified on a New York State Transmission System-wide basis. The ~~Annual Transmission~~ [Cluster](#) Baseline Assessment will identify each anticipated System Upgrade Facility project, its estimated cost, its anticipated in-service date, and the status of the project (in construction, budget approval received, budget approval pending).

[40.12.1.2.3](#)~~25-6.1.1.1.1.3~~ The ISO will identify in the ~~Annual Transmission~~ [Cluster](#) Baseline Assessment the System Upgrade Facilities needed to reliably meet

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

projected load growth and changes in load pattern without the interconnection of any proposed ~~Developer~~ Cluster Study Projects, except for those proposed Projects included in the Existing System Representation pursuant to Section

[40.10.3] ~~25.5.5.~~

40.12.1.2.4 ~~25.6.1.1.1.1.4~~ The ~~ISO staff~~ will perform thermal, voltage, and stability analyses, as appropriate, to determine the normal and emergency transfer capabilities of the statewide existing system. ~~To the extent local thermal, voltage, and stability analyses were performed during a Large Facility's SRIS, such analyses will be relied upon in the Class Year Study, including the identification of System Upgrade Facilities required to mitigate adverse impacts under the NYISO Minimum Interconnection Standard. Estimates for the cost and timing to construct System Upgrade Facilities identified in the SRIS to mitigate local thermal, voltage or stability issues will be refined in the Class Year Study.~~

40.12.1.2.5 ~~25.6.1.1.1.1.5~~ The ~~ISO staff~~ will rely on the most recent resource reliability analysis of the existing system. If no Reliability Needs are required under the study assumptions used in the most recent resource reliability analysis, the existing system will be deemed to meet Applicable Reliability Requirements for purposes of the Cluster ~~Class Year~~ Study.

40.12.1.2.6 ~~25.6.1.1.1.1.6~~ If the transmission and generation facilities included in the Existing System Representation, combined with previously approved and accepted System Upgrade Facilities, are insufficient to meet Applicable Reliability Requirements on a year by year basis, then the ISO staff will develop

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

feasible generic solutions that satisfy the Applicable Reliability Requirements, in accordance with Section [\[40.12.1.3\]](#)~~25.6.1.2~~, below.

[40.12.1.2.7](#)~~25.6.1.1.1.1.7~~ If the existing system meets Applicable Reliability Requirements, the ISO-staff will perform short circuit analysis to determine whether there is sufficient interrupting capability in the existing system. If there are any breaker overloads, the ISO-staff will determine the System Upgrade Facilities needed to mitigate the short circuit overloads.

[40.12.1.2.8](#)~~25.6.1.1.1.1.8~~ A reassessment of Sections [\[40.12.1.2.4\]](#)~~25.6.1.1.1.4~~ through [\[40.12.1.2.6\]](#)~~25.6.1.1.1.6~~ shall be reassessed and, to the extent required by Good Utility Practice, repeated if the improvement plan impacts the transmission transfer capability of the system. The results of the short circuit analysis will be treated in the same manner as the results of thermal, voltage and stability analyses for all purposes under these cost allocation rules.

[40.12.1.2.9](#)~~25.6.1.1.1.1.9~~ Each ~~Annual Transmission~~[Cluster](#) Baseline Assessment conducted by [the](#) ISO-staff will be reviewed and approved by the Operating Committee, and its effectiveness will be subject to the approval of the Operating Committee. In its report to the Operating Committee, the ISO shall explain its reasons for all of its recommendations.

[40.12.1.2.10](#)~~25.6.1.1.1.1.10~~ Each most recently completed ~~Annual Transmission~~[Cluster](#) Baseline Assessment will be reviewed the following year by the ISO-staff and updated, as necessary, following the criteria and procedures described herein.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.12.1.3.2~~25.6.1.2~~ In developing solutions as required by Section 40.12.1.3.6~~25.6.1.2.6~~, the ISO will, as it develops its own generic solutions, also utilize the following procedures.

40.12.1.3.1~~25.6.1.2.1~~ The ISO will first select as generic solutions proposed Cluster Study~~Class Year Developer~~ Projects sufficient to meet Applicable Reliability Requirements on a year by year basis. If a proposed Cluster Study Project~~Class Year Developer project~~ is larger than necessary, the ISO shall select that portion or segment of the project that is sufficient to meet but not exceed Applicable Reliability Requirements. If the proposed Cluster Study Project~~Developer project~~ is not capable of being segmented or if the ~~Developer~~Cluster Study pProject cannot meet Applicable Reliability Requirements on a year by year basis, the ISO shall not select it.

40.12.1.3.2~~25.6.1.2.2~~ If the generation and transmission facilities included in the Existing System Representation, together with any proposed Cluster Study Projects~~Developer Projects~~ that qualify as solutions pursuant to Section 40.12.1.3.1~~25.6.1.2.1~~, above, are not sufficient to meet Applicable Reliability Requirements, the ISO shall complete the development of its own generic solutions, taking into account any generic solutions proposed pursuant to Section 40.12.1.3.3~~25.6.1.2.3~~, below, for inclusion in the ~~AT~~CBA.

40.12.1.3.3~~25.6.1.2.3~~ Market Participants may also propose generic solutions for inclusion in the ~~AT~~CBA. The Market Participant proposing such solutions shall provide the ISO with all data necessary for the ISO to determine the feasibility of such proposed generic solutions.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.12.1.3.4](#)~~25.6.1.2.4~~ The ISO shall develop and consider alternative sets of proposed generic solutions that fairly represent the range of feasible solutions to Applicable Reliability Requirements.

[40.12.1.3.5](#)~~25.6.1.2.5~~ The ISO shall determine the feasibility of additional generic solutions developed pursuant to Sections [\[40.12.1.3.2\]](#)~~25.6.1.2.2~~, [\[40.12.1.3.3\]](#)~~25.6.1.2.3~~ and [\[40.12.1.3.4\]](#)~~25.6.1.2.3~~, according to the following criteria:

[40.12.1.3.5.1](#)~~25.6.1.2.5.1~~ The ISO shall select only solutions that are based on proven technologies that have actually been licensed and financed, are under construction or have already been built in similar locations.

[40.12.1.3.5.2](#)~~25.6.1.2.5.2~~ The ISO shall select as additional generic solutions only -facilities that can reasonably be placed in service in time to meet Applicable Reliability Requirements on a year by year basis. In making this determination, the ISO shall consider the size and type of facility, access to fuel, access to transmission facilities, transmission upgrade requirements, construction time, and Good Utility Practice.

[40.12.1.3.6](#)~~25.6.1.2.6~~ The ISO will submit its proposed generic solutions and the alternatives that it considered to Market Participants and to an independent expert for review and will make the results of the expert's review available to Market Participants. The independent expert shall review the feasibility of the proposed generic solutions developed pursuant to Sections [\[40.12.1.3.2\]](#)~~25.6.1.2.2~~, [\[40.12.1.3.3\]](#)~~25.6.1.2.3~~ and [\[40.12.1.3.4\]](#)~~25.6.1.2.3~~, and of generic solutions based on the segmentation of any [Cluster Study Project](#)~~Class-Year developer~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~Projects~~ under Section [\[40.12.1.3.1\]](#)~~25.6.1.2.1~~, according to the criteria set forth in Section [\[40.12.1.3.5\]](#)~~25.6.1.2.5~~.

[40.12.1.3.6.1](#)~~25.6.1.2.6.1~~ If the independent expert concludes that one or more generic is not feasible, the ISO shall eliminate that solution from further review.

[40.12.1.3.6.2](#)~~25.6.1.2.6.2~~ If the ISO does not adopt the expert's recommendations, it will state in its report to the Operating Committee its reasons for not adopting those recommendations.

[40.12.1.3.7](#)~~25.6.1.2.7~~ Subject to Section [\[4.12.1.3.7.1\]](#)~~25.6.1.2.7~~, below, in the event that more than one generic solution or set of solutions satisfies the feasibility requirement of Section [\[40.12.1.3.7\]](#)~~25.6.1.2.7~~, the ISO shall compare the System Upgrade Facilities that would be necessary to interconnect each such generic solution and shall adopt the solution that is most consistent with Good Utility Practice. For these purposes, in comparing alternative solutions, a generic solution that satisfies sub-load pocket deficiencies shall normally be selected first.

[40.12.1.3.7.1](#)~~25.6.1.2.7.1~~ The ISO shall be responsible for determining whether any generic solution or proposed [Cluster Study](#) ~~Developer~~ Project meets Applicable Reliability Requirements.

[40.12.1.4](#)~~25.6.1.3~~ With the exception of those upgrades that were previously allocated to, and accepted by [Cluster Study Projects](#) ~~Developer Projects~~ as a part of the ~~Annual Transmission Reliability~~ [Cluster Project](#) Assessment in the Final Decision Round of previous Class Years [or Cluster Studies](#), [Interconnection Customers](#) ~~Developers~~ are not responsible for the cost of any System Upgrade

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Facilities that are identified in the ~~Annual Transmission~~ Cluster Baseline Assessment, or any System Upgrade Facilities that resolve in whole or in part a deficiency in the system identified in the ~~Annual Transmission~~ Cluster Baseline Assessment.

40.12.1.5~~25.6.1.4~~ Interconnection Customers~~Developers~~ are responsible for 100% of the cost of the System Upgrade Facilities that are, not already identified in the ~~Annual Transmission~~ Cluster Baseline Assessment ~~that are needed as a result of their Projects~~, and are required for their Projects to reliably interconnect to the transmission system in a manner that meets the NYISO Minimum Interconnection Standard. The System Upgrade Facilities necessary to accommodate Cluster Study Projects~~Developer Projects~~ will be determined by the Phase 1 Study and the Interconnection Facilities Studies and the Annual Transmission Reliability the Cluster Project Assessment. The criteria and procedures that will be followed to conduct the ~~Annual Transmission Reliability~~ Cluster Project Assessment are discussed in Section [40.12.2] below.

40.12.1.5.1~~25.6.1.4.1~~ If a Connecting Transmission Owner, Affected Transmission Owner, Affected System Operator, or Interconnection Customer~~Developer~~ elects to construct System Upgrade Facilities that are larger or more extensive than the minimum facilities required to reliably interconnect the proposed Cluster Study Project~~project~~, and are reasonably related to the interconnection of the proposed project, then the entity ~~Connecting Transmission Owner or~~ that make such election~~Developer~~ is responsible for the cost of those System Upgrade Facilities in excess of the minimum System Upgrade Facilities required by the Cluster

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Study Project~~Developer Projects~~. If there is Headroom associated with these larger System Upgrade Facilities and an Interconnection Customer~~Developer~~ of any subsequent project interconnects and uses the Headroom within ten years of its creation, such subsequent Interconnection Customer~~Developer~~ shall pay the Connecting Transmission Owner, Affected Transmission Owner, Affected System Operator, or the Interconnection Customer~~Developer~~ for this Headroom in accordance with these rules, including Section [40.17]~~25.8.7, below~~.

40.12.1.6~~25.6.1.5~~ The System Upgrade Facilities cost for which an Interconnection Customer~~Developer~~ is responsible will be determined on a “net” basis; that is, the Interconnection Customer~~Developer~~’s System Upgrade Facilities cost will be determined net of the benefits, or System Upgrade Facility cost reductions, that result from the construction and operation of its project and the related upgrades. The net cost responsibility of an Interconnection Customer~~Developer~~ will not be less than zero. Also, the cost responsibility of the Connecting Transmission Owner for System Upgrade Facilities will be no greater than it would have been without the Interconnection Customer~~Developer~~’s project. Specifically, the Connecting Transmission Owner shall not be required to pay (in total) more than 100% of the cost of installing a specific piece of equipment.

40.12.1.6.1~~25.6.1.5.1~~ The purpose of this approach is to allocate to the Interconnection Customer~~Developer~~ the responsibility for the cost of the net impact of its project on the needs of the transmission system for System Upgrade Facilities. Thus, an Interconnection Customer~~Developer~~ is responsible for the cost of the System Upgrade Facilities that are required by, or caused by, its project. An

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Interconnection Customer-Developer is not responsible for the cost of System Upgrade Facilities that would be required anyway, without the construction of its project. If an Interconnection Customer-Developer's project reduces the cost of System Upgrade Facilities that would be required anyway, that beneficial cost reducing impact will be recognized.

40.12.1.6.2~~25.6.1.5.2~~ The net System Upgrade Facilities cost and cost reduction benefits of an Interconnection Customer-Developer's project are determined by ISO staff comparing and netting the results of an ~~Annual Transmission~~ Cluster Baseline Assessment with the corresponding ~~Annual Transmission Reliability~~ Cluster Project Assessment in accordance with these rules.

40.12.1.6.3~~25.6.1.5.3~~ The net System Upgrade Facilities cost and cost reduction benefits of an Interconnection Customer-Developer's project are comprised of those costs and cost reduction benefits caused by (1) the construction of System Upgrade Facilities not contained in the ~~Annual Transmission~~ Cluster Baseline Assessment, and (2) eliminating or reducing the need for the construction of System Upgrade Facilities contained in the ~~Annual Transmission~~ Cluster Baseline Assessment, due to the construction of System Upgrade Facilities associated with the proposed project.

40.12.1.6.4~~25.6.1.5.4~~ The Interconnection Customer-Developer's net cost responsibility will be determined using constant dollars. That is, when netting the cost of System Upgrade Facilities required for its project, as identified in the ~~Annual Transmission Reliability~~ Cluster Project Assessment, with those identified in the ~~Annual Transmission~~ Cluster Baseline Assessment, the cost of System Upgrade

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Facilities in the out-years of the ~~Annual Transmission~~ Cluster Baseline Assessment and the out-years of the ~~Annual Transmission Reliability~~ Cluster Project Assessment will be discounted to a current year value for netting. The cost of out-year System Upgrade Facilities will be discounted to a current value using the weighted average cost of capital of the Connecting Transmission Owner.

40.12.2 ~~5.6.2~~ Cluster Project Assessment (CPA) for Cost Allocation Among Interconnection Customers ~~Developers (ATRA)~~

The Interconnection Customer ~~Developers~~’ share of the cost of System Upgrade Facilities is allocated among Interconnection Customers ~~Developers~~ based upon the ISO ~~Annual Transmission Reliability~~ Cluster Project Assessment. ~~The Annual Transmission Reliability~~ Cluster Project Assessment will be conducted by the ISO ~~staff~~ to ensure New York State Transmission System compliance with Applicable Reliability Requirements. The ISO ~~staff~~ will conduct the Cluster Project ~~Annual Transmission Reliability~~ Assessment, as described in these rules, in cooperation with Market Participants. No Market Participant will have decisional control over any determinative aspect of the Cluster Project ~~Annual Transmission Reliability~~ Assessment. The ISO ~~and its staff~~ will have decisional control over the entire Cluster Project ~~Annual Transmission Reliability~~ Assessment. If, at any time, the ISO ~~staff~~ decides that it needs specific expert services from entities such as Market Participants, consultants or engineering firms for it to conduct the Cluster Project ~~Annual Transmission Reliability~~ Assessment, then the ISO will enter into appropriate contracts with such entities for such input. As it conducts each Cluster Project ~~Annual Transmission Reliability~~ Assessment, the ISO ~~staff~~ will provide regularly scheduled status reports and working drafts, with supporting data, to the Operating Committee to ensure that all affected Market Participants have an opportunity to

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

contribute whatever information and input they believe might be helpful to the process. Each completed [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment will be reviewed and approved by the Operating Committee. Each [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment is reviewable by the ISO Board of Directors in accordance with the provisions of the Commission-approved ISO Agreement.

~~40.12.2.1~~~~25.6.2.1~~ The [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment for each [Cluster Study](#)~~ass Year~~ will identify the System Upgrade Facilities required for all [Cluster Study](#)~~Class Year~~ Projects, with cost estimates for the System Upgrade Facilities. The System Upgrade Facilities identified through the [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment will only be those System Upgrade Facilities that are not already included in an [Cluster](#)~~Annual Transmission~~ Baseline Assessment. If a Distribution Upgrade is identified in the Cluster Project Assessment, the ISO shall apply the same requirements applicable to System Upgrade Facilities in this Section 40.12.2 to the Distribution Upgrade.

~~40.12.2.2~~~~25.6.2.2~~ For each [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment, the ISO will utilize the Existing System Representation used for the corresponding ~~Annual Transmission~~[Cluster](#) Baseline Assessment.

~~25.6.2.3~~ — Each ~~Annual Transmission Reliability~~ Assessment will update the results of ~~Interconnection System Reliability Impact Studies that have previously been performed for certain proposed Projects.~~

~~25.6.2.3.1~~ — Subject to the additional requirements in Sections ~~25.6.2.3.2~~ – ~~25.6.2.3.4~~, below, a Large Facility is eligible to have its project included in a given ~~Class Year Study~~ (i.e., become a ~~Class Year Project~~), if on or before the ~~Class Year~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Start Date (i) the Operating Committee has approved (1) an Interconnection System Reliability Impact Study for the project performed pursuant to Attachment X of the ISO OATT or (2) a System Impact Study for the project performed pursuant to Attachment P to the ISO OATT, and (ii) the regulatory milestone has been satisfied in accordance with Sections 25.6.2.3.1.1, 25.6.2.3.1.2, or 25.6.2.3.1.3; provided, however, in lieu of satisfying a regulatory milestone by the Class Year Start Date, the Large Facility can, on or before the date by which a Developer is required to return a completed Class Year Interconnection Facilities Study Agreement pursuant to Section 30.8.1 of Attachment X to the OATT, either:

(1) demonstrate that the Developer has obtained for the Project (a) a New York State Energy Research and Development Authority (“NYSERDA”) Renewable Portfolio Standard agreement, (b) a NYSERDA Renewable Energy Certificate agreement (c) a NYSERDA Market Acceleration Incentive agreement, or (d) a power purchase agreement for the full output of the Large Facility; or

(2) submit a two-part deposit consisting of \$100,000, and \$3,000/MW for the requested ERIS of the Large Facility, or the requested ERIS of one or more Generators in a multi-unit Large Facility, for which the Project has not (1) obtained a NYSERDA or power purchase agreements specified above; or (2) satisfied a regulatory milestone set forth in Section 25.6.2.3.1 (e.g., for a Co-located Storage Resource for which the Developer has only satisfied the regulatory milestone for the Energy Storage Resource but not the Intermittent

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~Power Resource, the Developer may submit \$100,000 and \$3,000/MW for the requested ERIS of the Intermittent Power Resource).~~

~~The \$100,000 portion of the deposit submitted pursuant to subsection (ii)(2) of this Section 25.6.2.3.1 will be fully refundable if, within twelve months after the Class Year Start Date or the Operating Committee's approval of the Class Year Study, whichever occurs first, the Developer satisfies an applicable regulatory milestone and provides the ISO with adequate documentation that the Large Facility has satisfied an applicable regulatory milestone. The \$3,000/MW deposit will be fully refundable upon the earlier of (a) the Large Facility's satisfaction of an applicable regulatory milestone; (b) the Large Facility's withdrawal from the Class Year Study, to the extent permitted by this Attachment S and by Attachment X to the ISO OATT; (c) the Large Facility's rejection of its Project Cost Allocation for System Upgrade Facilities in a Class Year Study; (d) the Large Facility's withdrawal from the ISO's interconnection queue; or (e) the Large Facility's acceptance of its Project Cost Allocation and posting of Security for System Upgrade Facilities in a Class Year Study. Upon a Large Facility's withdrawal from the ISO's interconnection queue, the \$3,000/MW deposit will be fully refundable with interest actually earned. For Class Year 2019, the \$3,000/MW deposit will be fully refundable for Projects that satisfy (ii)(1) of this Section 25.6.2.3.1. on or before March 1, 2020. The requirements set forth in this Section 25.6.2.3.1 do not apply to Projects that elect to enter a Class Year Study solely for the purpose of requesting CRIS.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~25.6.2.3.1.1~~—The Developer must obtain or achieve at least one of the regulatory determinations or actions for the Large Facility, including all Generators for a multi-unit Large Facility, described in this Section 25.6.2.3.1.1. To satisfy the regulatory milestone, an applicable regulatory body (e.g., local, state, or federal) must determine that the permitting application submitted to site and construct the Large Facility is complete, as described below:

~~25.6.2.3.1.1.1~~—In connection with the Large Facility’s air or water permit application, either (i) a notice of determination of completeness mailed to the applicant by the New York State Department of Environmental Conservation (“DEC”) pursuant to 6 NYCRR § 621.6(e), as may be amended from time to time; or public notice of a complete application in the Environmental Notice Bulletin; or (ii) in the absence of such notices, a demonstration that the permit application is deemed to be complete pursuant to 6 NYCRR § 621.6(h), as may be amended from time to time.

~~25.6.2.3.1.1.2~~—A negative declaration issued for the Large Facility pursuant to the New York State Environmental Quality Review Act (“SEQRA”) by (i) the lead agency if the review is conducted in a coordinated manner or (ii) one of the involved agencies if the review is conducted in an uncoordinated manner pursuant to the implementing regulations for SEQRA in the New York Codes, Rules and Regulations (“NYCRR”) at 6 NYCRR Part 617.6(b)(4), as amended from time to time.

~~25.6.2.3.1.1.3~~—Under SEQRA, either (i) a determination by the lead agency, documented in minutes or other official records, that the Draft Environmental

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Impact Statement for the Large Facility is adequate for public review, (ii) a notice of completion of a Draft Environmental Impact Statement for the project issued by the lead agency pursuant to SEQRA, or (iii) public notice of completion in the Environmental Notice Bulletin.

~~25.6.2.3.1.1.4~~ — A determination pursuant to Article VII that the Article VII application filed for the Class Year Transmission Project or for a transmission portion of the Large Facility is in compliance with Public Service Law §122.

~~25.6.2.3.1.1.5~~ — A Notice of Availability of a Draft Environmental Impact Statement for the Large Facility filed with the U.S. Environmental Protection Agency pursuant to the National Environmental Policy Act of 1969 (“NEPA”) and its implementing regulations.

~~25.6.2.3.1.1.6~~ — A final Finding of No Significant Impact for the project issued by the lead agency pursuant to NEPA and its implementing regulations.

~~25.6.2.3.1.1.7~~ — For a Large Generator that is larger than 25 MW, a determination pursuant to Article 10 of the Public Service Law that the Article 10 application filed for the Large Generator is in compliance with Public Service Law § 164.

~~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.

~~25.6.2.3.1.1.9~~ — For a Large Generator that is an offshore wind facility on the outer continental shelf, a construction and operations plan deemed sufficient by the Bureau of Ocean Energy Management for which the Bureau of Ocean Energy Management has issued a Notice of Intent to prepare a Draft Environmental

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Impact Statement for the Large Facility in accordance with the U.S. Environmental Protection Agency pursuant to the National Environmental Policy Act of 1969 (“NEPA”) and its implementing regulations.

~~25.6.2.3.1.1.10 — For a Large Facility with Attachment Facilities, System Upgrade Facilities or System Deliverability Upgrades that require an Article VII application, a determination pursuant to Article VII that the Article VII application is in compliance with Public Service Law §122.~~

~~25.6.2.3.1.2 — A Large Facility located outside New York State will satisfy the regulatory milestone by achieving Section 25.6.2.3.1.1.5 or 25.6.2.3.1.1.6, above, or by satisfying a milestone comparable to that specified in Section 25.6.2.3.1.1.1 through 25.6.2.3.1.1.4, above, under applicable permitting laws.~~

~~25.6.2.3.1.3 — In the event that none of the permitting processes referred to in Section 25.6.2.3.1.1 and 25.6.2.3.1.2 apply to the Large Facility, the Large Facility will be considered to have satisfied the regulatory milestone and will qualify for Class Year entry as of the date the Operating Committee approved the Large Facility’s Interconnection System Reliability Impact Study.~~

~~25.6.2.3.1.4 — After a Large Facility’s Interconnection System Reliability Impact Study is approved by the Operating Committee and until the ISO confirms that the Large Facility has satisfied the regulatory milestone, the Developer must inform the ISO upon request, whether or not the Large Facility has satisfied the regulatory milestone described above. A project Developer must inform the ISO within ten (10) Business Days of the ISO’s request for such information.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~25.6.2.3.2~~ — A project must satisfy the applicable regulatory milestone in Section

~~25.6.2.3.1.1, above, within six (6) months after the date the ISO tenders to the project Developer the Standard Large Generator Interconnection Agreement for the project pursuant to Section 30.11.1 of Attachment X to the ISO OATT.~~

~~25.6.2.3.3~~ — If a project fails to satisfy the regulatory milestone within the time period set forth in Section 25.6.2.3.2 of this Attachment S, the Interconnection Request of the project will be deemed to be withdrawn in accordance with Section 30.3.6 of the Large Facility Interconnection Procedures contained in Attachment X.

~~25.6.2.3.4~~ — Once a project has an Operating Committee approved SRIS or the ISO has determined the project is required to enter a Class Year Study pursuant to Attachment Z, then the project may enter up to two, but no more than two, of the next three consecutive Class Year Studies. The first Class Year with a Class Year Start Date after the date the Operating Committee approves a project's Interconnection System Reliability Impact Study will count as the first of the three consecutive Class Year Studies. For purposes of this Section 25.6.2.3.4, a Class Year that a project enters and from which it later withdraws for ERIS evaluation pursuant to Section 25.7.7.1 or 25.6.2.3.3 of this Attachment S or Section 30.8.1.2 of Attachment X, counts as one of the two Class Years a project may enter.

~~25.6.2.3.4.1~~ — Except as provided in Section 25.6.2.3.4.3, the project must accept its System Upgrade Facilities cost allocation and post required security for Energy Resource Interconnection Service from a Class Year ATRA that is no later than the first to occur of either (i) the second Class Year ATRA the project enters, or

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

(ii) ~~the third consecutive Class Year that starts after the project satisfies the eligibility criteria for inclusion in the Class Year ATRA. If the project fails to accept its System Upgrade Facilities cost allocation and post security by this deadline, the Interconnection Request of the project will be deemed to be withdrawn in accordance with Section 30.3.6 of the Large Facility Interconnection Procedures contained in Attachment X.~~

~~25.6.2.3.4.2— Except as provided in Section 25.6.2.3.4.3, below, if a project has not accepted its System Upgrade Facilities cost allocation and posted required security for Energy Resource Interconnection Service from either the first or second Class Year that starts after the project satisfies the eligibility criteria for inclusion in the Class Year ATRA and has not entered both the first and second such Class Year ATRA, then the project must enter the third Class Year ATRA (by satisfying the Class Year entry requirements set forth in Section 25.5.9 of this Attachment S and Section 30.8.1 of Attachment X). If the developer fails to do so within the timeframes specified in Attachments X or Z, as applicable, the Interconnection Request of the project will be deemed to be withdrawn in accordance with Section 30.3.6 of the Large Facilities Interconnection Procedures contained in Attachment X.~~

~~25.6.2.3.4.3— A project that was a member of a completed Class Year but did not accept its System Upgrade Facilities cost allocation and post any required security as of January 17, 2010 will be able to enter any one of the three consecutive Class Year ATRAs starting after that date. If the project enters one of these Class Year ATRAs and fails to accept its System Upgrade Facilities cost allocation and post~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

required security, the Interconnection Request of the project will be deemed to be withdrawn in accordance with Section 30.3.6 of the Large Facility Interconnection Procedures. If the project has not entered either the first or second such Class Year, then the project must enter the third Class Year ATRA (by satisfying the Class Year entry requirements set forth in Section 25.5.9 of this Attachment S and Section 30.8.1 of Attachment X). If the Developer fails to do so within the timeframes specified in Attachments X or Z, as applicable, the Interconnection Request of the project will be deemed to be withdrawn in accordance with Section 30.3.6 of the Large Facilities Interconnection Procedures.

325.6.2.4 The Annual Transmission Reliability Assessment will update Interconnection System Reliability Impact Study results in accordance with the Class Year Interconnection Facilities Study procedures in Section 30.8 of the Large Facility Interconnection Procedures in Attachment X to the ISO OATT.

25.6.2.5 For Projects included in each Annual Transmission Reliability Assessment, the Interconnection System Reliability Impact Study updated results will specify the impact of each project in the Class Year on the reliability of the transmission system, that is, the pro rata contribution of each project in the Class Year to each individual System Upgrade Facilities identified in the updates.

[40.12.2.3](#)25.6.2.5.1 In the case of a new System Upgrade Facility that has a functional capacity not readily measured in amperes or other discrete electrical units, such as a System Upgrade Facility dedicated to system protection, the pro rata impact of each project in the [Cluster Study](#)Class Year on the reliability of the transmission

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

system will be based upon the number of Projects in the Cluster Study~~Class-Year~~ contributing to the need for the new System Upgrade Facility. The pro rata impact of each project in the Cluster Study~~Class-Year~~ needing such a new System Upgrade Facility will be equal. Accordingly, the pro rata contribution of each of the Projects to the need for the new System Upgrade Facility will be equal to (1/a), where “a” is the total number of Projects in the Cluster~~Class-Year~~ needing the new System Upgrade Facility.

40.12.2.4~~25.6.2.5.2~~ In the case of a new System Upgrade Facility that has a capacity readily measured in amperes or other discrete electrical units, the impact of each project in the Cluster Study~~Class-Year~~ will be stated in terms of its pro rata contribution to the total electrical impact on each individual System Upgrade Facility in the Cluster Study~~Class-Year~~ of all Projects that have at least a *de minimus* impact, as described in Section [40.12.5~~25.6.2.6.1]~~ of these rules. The contribution to electrical impact will be measured in various ways depending on the nature of the transmission problem primarily causing the need for the individual System Upgrade Facility.

40.12.2.4.1~~25.6.2.5.2.1~~ Contribution to short circuit current for interrupting duty beyond the rating of equipment.

40.12.2.4.2~~25.6.2.5.2.2~~ Contribution to MW loading on the critical element for thermal overloads under the test conditions that cause the need for a System Upgrade Facility. MW contribution will be calculated by multiplying the associated distribution factor by the declared maximum MW of the project. The

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

distribution factor is calculated by pro rata displacement of New York System load by the added generation.

[40.12.2.4.3](#)~~25.6.2.5.2.3~~ Contribution to voltage drop on the most critical bus for voltage problems. A critical bus will be defined as representative for voltage conditions during a specific contingency. The pro rata impact of each project is measured as the ratio of the voltage drop at the critical bus caused by the project when none of the other Projects are represented, to the voltage drop at the critical bus when all of the Projects in the [Cluster Study](#)~~Class Year~~ are represented.

[40.12.2.4.4](#)~~25.6.2.5.2.4~~ Contribution to transient stability problems as measured by the fault current calculated for the most critical stability test that is causing the need for the System Upgrade Facility.

[40.12.2.5](#)~~25.6.2.6~~ For each individual electrical impact standard listed in subsections 6.(a)(1) through 6.(a)(4) below, an [Interconnection Customer](#)~~Developer~~ will not be responsible for the cost associated with a corresponding System Upgrade Facility if -its project's contribution is less than the *de minimus* impacts defined below. The costs of Projects that would otherwise have been allocated to certain [Interconnection Customers](#)~~Developer's~~ Projects but for the sub-*de minimus* impact exemption, shall be allocated 100 percent to the other [Interconnection Customers](#)~~Developers~~ in the Class Year according to their pro rata contribution.

[40.12.2.5.1](#)~~25.6.2.6.1~~ *De minimus* impact is defined in terms of any one of the factors listed below in this subsection. Examples of computations used to determine *de minimus* impact are shown in ISO Procedures.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.12.2.5.1.1](#)~~25-6.2.6.1.1~~ **Short Circuit Contribution:** Equal to or greater than 100 amperes of the existing rating of the equipment that needs to be replaced.

[40.12.2.5.1.2](#)~~25-6.2.6.1.2~~ **Thermal Loadings:** Equal to or greater than 10 MW on the most limiting monitored element under the most critical contingency that is causing the need for transmission improvements.

[40.12.2.5.1.3](#)~~25-6.2.6.1.3~~ **Voltage Effects:** Equal to or greater than 2% of the voltage drop occurring with all [Cluster Study](#)~~ass Year~~ Projects at the most critical bus.

[40.12.2.5.1.4](#)~~25-6.2.6.1.4~~ **Stability Effects:** Equal to or greater than 100 amperes of the fault current for the most critical stability test that is causing the need for the System Upgrade Facility.

[40.12.2.6](#)~~25-6.2.7~~ The pro rata contribution of each project in the [Cluster Study](#)~~ass~~ ~~Year~~ to each of the System Upgrade Facilities identified in the [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment shall be determined as follows.

[40.12.2.6.1](#)~~25-6.2.7.1~~ First, in accordance with Section [\[40.12.1.6\]](#)~~25-6.1.5~~ of these rules, the total cost of System Upgrade Facilities identified in the [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment is compared and netted with the total cost of System Upgrade Facilities identified in the [Cluster](#)~~Annual Transmission~~ Baseline Assessment. If the total cost of System Upgrade Facilities identified in the [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment does not exceed the total cost of System Upgrade Facilities identified in the [Cluster](#)~~Annual~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~Transmission~~ Baseline Assessment, then there is no cost to be allocated among

Cluster Study Projects~~Class Year Developers~~.

40.12.2.6.3~~25.6.2.7.2~~ If the total cost of System Upgrade Facilities identified in the

Cluster Project~~Annual Transmission Reliability~~ Assessment does exceed the total

cost of System Upgrade Facilities identified in the Cluster~~Annual Transmission~~

Baseline Assessment by some amount, then this amount (“Overage Cost”) is a

cost to be allocated among Cluster Study Projects~~Class Year Developers~~.

Appendix [9]~~One~~ to this Attachment HHS sets out an example of an allocation of

Overage Cost among Cluster Study Projects~~Class Year Developers~~.

40.12.2.6.3~~25.6.2.7.3~~ The Overage Cost represents a percentage of the total cost of

System Upgrade Facilities identified in the Cluster Project~~Annual Transmission~~

~~Reliability~~ Assessment (“Overage Cost Percentage”).

40.12.2.6.4~~25.6.2.7.4~~ Each System Upgrade Facility identified in the Cluster

Project~~Annual Transmission Reliability~~ Assessment has a cost specified for it in

the Cluster Project~~Annual Transmission Reliability~~ Assessment.

40.12.2.6.5~~25.6.2.7.5~~ The pro rata contribution of each project in the Cluster Study~~Class~~

~~Year~~ to a System Upgrade Facility identified in the Cluster Project~~Annual~~

~~Transmission Reliability~~ Assessment represents a percentage contribution to the

need for that System Upgrade Facility (“Contribution Percentage”).

40.12.2.6.6~~25.6.2.7.6~~ An individual Cluster Study Project~~Developer~~’s pro rata

responsibility for the cost of each System Upgrade Facility identified in the

Cluster Project~~Annual Transmission Reliability~~ Assessment is the product of (a)

the Overage Cost Percentage; (b) the Cluster Study Project~~Developer~~’s

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Contribution Percentage for the particular System Upgrade Facility; and (c) the cost of the particular System Upgrade Facility as specified in the [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment.

~~40.12.2.6.7~~~~25.6.2.7.7~~ If the least cost solution identified is to install one System Upgrade Facility (*e.g.*, a series reactor) rather than replacing a number of System Upgrade Facilities (*e.g.*, breakers), the ISO staff will determine each [Cluster Study Project](#)~~Developer~~'s Contribution Percentage by calculating what each [Cluster Study Project](#)~~Developer~~'s pro rata contribution would have been on the System Upgrade Facilities not replaced (*e.g.*, breakers) and applying that percentage to the System Upgrade Facility that is installed (*e.g.*, series reactor).

40.13.25.7 Deliverability Studies and Cost Allocation Methodology for CRIS

40.13.125.7.1 ~~Cluster Study~~~~Class-Year~~ Deliverability Study and Non-~~Cluster~~~~Study~~~~ass-Year~~ Expedited Deliverability Study

Commented [A1]: NYISO Comment; Relocated to Att. HH Section 25.7 of Att. S, as revised by NYISO.

An ~~Interconnection Customer-Developer~~ requesting CRIS for a Project larger than 2 MW may elect to enter either ~~the~~ a Cluster ~~Class-Year~~ Study Process pursuant to the requirements in Section [40.5.4] to this Attachment HH or an Expedited Deliverability Study pursuant to the requirements in Section [40.23] to this Attachment HH; *provided, however, an Interconnection Customer-Developer* may not be evaluated in both studies simultaneously (i.e., an Interconnection Customer-Developer with CRIS being evaluated in a ~~Cluster~~~~ass-Year~~ Study Process may not enter an Expedited Deliverability Study for evaluation of the same CRIS request until the ~~Cluster~~~~ass-Year~~ Study has completed. An Interconnection Customer-Developer with CRIS being evaluated in an Expedited Deliverability Study may not enter a ~~Cluster~~~~Class-Year~~ Study Process for evaluation of the same CRIS request until the Expedited Deliverability Study has completed).

A ~~Cluster~~~~Class-Year~~ Study deliverability evaluation first evaluates whether a Project satisfies the NYISO Deliverability Interconnection Standard at its full amount of requested CRIS. If a Project is not deliverable for its full amount of requested CRIS, the ~~Cluster~~~~Class-Year~~ Study proceeds to identify and cost allocate System Deliverability Upgrades required to make the Project fully deliverable for the full amount of requested CRIS.

An Expedited Deliverability Study only evaluates whether a Project satisfies the NYISO Deliverability Interconnection Standard at its full amount of requested CRIS; it does not identify or cost allocate System Deliverability Upgrades. An Interconnection Customer-Developer evaluated in an Expedited Deliverability Study and deemed undeliverable at its full amount of requested CRIS may (1) enter ~~at the next Open~~ a Cluster ~~ass-Year~~ Study Process in a subsequent

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[Application Window in accordance with the requirements in Section \[40.5\]](#) to obtain a Project Cost Allocation for required System Deliverability Upgrades; or (2) enter into a subsequent Expedited Deliverability Study or a [Cluster~~ass Year~~ Study Process](#) with the same or different CRIS request.

[40.13.1.1](#)~~25.7.1.1~~ Cost Allocation Among [Interconnection Customers](#)~~Developers~~ in a [Cluster~~ass Year~~](#)

Each Project in a [Cluster Study~~ass Year~~](#) Deliverability Study – i.e., a (“[Cluster Study~~ass Year~~](#) CRIS Project~~ass Year~~”) will share in the then currently available deliverability capability of the New York State Transmission System, and will also share in the cost of any System Deliverability Upgrades required for its Project to qualify for CRIS at the requested level. The total cost of the System Deliverability Upgrades required for all the Projects in the [Cluster for the Cluster Study~~ass Year~~](#) will be allocated among the Projects in the [Cluster~~ass Year~~](#) based on the pro rata impact of each [Cluster Study~~Class Year~~](#) CRIS Project on the deliverability of the New York State Transmission System, that is, the pro rata contribution of each Project in the [Cluster Study~~Class Year~~](#) Deliverability Study to the total cost of each of the System Deliverability Upgrades identified in the [Cluster Study~~ass Year~~](#) Deliverability Study. In addition to this allocation of cost responsibility for System Deliverability Upgrades among the Projects in a [Cluster~~ass Year~~](#), the cost of certain Highway System Deliverability Upgrades will be shared with Load Serving Entities and subsequent [Interconnection Customers](#)~~Developers~~, as described below in Section [40.13](#)~~25.7~~.12 of these rules.

40.13.1.2~~325.7.1.2~~ Expedited Deliverability Study

The Expedited Deliverability Study shall be performed concurrently for all Projects that meet the entry requirements set forth in Section [40.19] ~~25.5.9.2.1~~ of this Attachment HH~~S~~ as a combined Expedited Deliverability Study.

40.13.2~~25.7.2~~ Categories of transmission facilities

For purposes of applying the NYISO Deliverability Interconnection Standard, transmission facilities comprising the New York State Transmission System will be categorized as either Byways or Highways or Other Interfaces.

40.13.2.1~~25.7.2.1~~ Byways

The Interconnection Customer~~Developer~~ of a Cluster Study~~ass-Year~~ CRIS Project will pay its pro rata share of one hundred percent (100%) of the cost of the System Deliverability Upgrades to any Byway needed to make the Cluster Study~~ass-Year~~ CRIS Project deliverable in accordance with these rules. The System Deliverability Upgrades on the Byway or Byways will be identified by the ISO, with input from the Connecting Transmission Owner and from the Affected Transmission Owner(s), in the Cluster Study~~ass-Year~~ Deliverability Study.

The Transmission Owner(s) responsible for constructing a System Deliverability Upgrade on a Byway shall request Incremental TCCs with respect to the System Deliverability Upgrade in accordance with the requirements of Section 19.2.4 of Attachment M of the ISO OATT. An Interconnection Customer~~Developer~~ paying to upgrade a Byway will receive the right to accept any Incremental TCCs awarded by the ISO in proportion to its contribution to the total cost of the System Deliverability Upgrade. The ISO shall round any non-whole MW quantities to a whole number of Incremental TCCs in a manner that ensures that the sum of all individual allocations to eligible entities is equal to the total number of Incremental TCCs

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

awarded to the System Deliverability Upgrade; *provided, however*, that [an Interconnection Customer](#)~~a Developer~~ will not be entitled to receive any Incremental TCCs if the whole number value determined by the ISO for the [Interconnection Customer](#)~~Developer~~'s proportionate share is zero. If [an Interconnection Customer](#)~~Developer~~ elects to accept its proportionate share of any Incremental TCCs resulting from the System Deliverability Upgrade, the [Interconnection Customer](#)~~Developer~~ shall be the Primary Holder of such Incremental TCCs. If [an Interconnection Customer](#)~~Developer~~ declines an award of its proportionate share of any Incremental TCCs resulting from the System Deliverability Upgrade, or subsequently terminates the Incremental TCCs it elected to receive in accordance with Section 19.2.4.9 of Attachment M of the ISO OATT, the declined or terminated Incremental TCCs will be deemed reserved to the extent necessary to facilitate the potential for transfers to subsequent [Interconnection Customers](#)~~Developers~~ that pay for the use of Headroom pursuant to this Attachment [HHS](#) on a System Deliverability Upgrade that has been awarded Incremental TCCs. Incremental TCCs that are declined or terminated by [an Interconnection Customer](#)~~Developer~~ and not otherwise deemed reserved will be deemed permanently terminated. Incremental TCCs related to a System Deliverability Upgrade that were previously deemed reserved as a result of prior declination or termination will be deemed permanently terminated when the Headroom on the System Deliverability Upgrade ceases to exist or is otherwise reduced to zero in accordance with Section [\[40.17.1.4.3\]](#) ~~25.8.7.4~~ of this Attachment [HHS](#).

An [Interconnection Customer](#)~~Developer~~ paying to upgrade a Byway will be eligible to receive Headroom payments in accordance with these rules. A subsequent [Interconnection Customer](#)~~Developer~~ paying for use of Headroom on a System Deliverability Upgrade on a Byway will be entitled to receive Incremental TCCs, to the extent Incremental TCCs have been

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

awarded by the ISO for the System Deliverability Upgrade, in proportion to its contribution to the total cost of the System Deliverability Upgrade, as determined based on its required Headroom payments. The ISO shall round any non-whole MW quantities to a whole number of Incremental TCCs in a manner that ensures that the sum of all individual allocations to eligible entities is equal to the total number of Incremental TCCs awarded to the System Deliverability Upgrade; *provided, however*, that a subsequent Interconnection Customer~~Developer~~ will not be entitled to receive any Incremental TCCs if the whole number value determined by the ISO for the subsequent Interconnection Customer~~Developer~~'s proportionate share is zero. If an Interconnection Customer~~Developer~~ that initially paid for a System Deliverability Upgrade on a Byway elected to receive its proportionate share of any Incremental TCCs related to the System Deliverability Upgrade and continues to hold such Incremental TCCs, any Incremental TCCs that a subsequent Interconnection Customer~~Developer~~ is eligible to receive will be made available by reducing the Incremental TCCs related to the System Deliverability Upgrade held by the Interconnection Customer~~Developer~~ that initially paid for the System Deliverability Upgrade in proportion to the Headroom payments received by such Interconnection Customer~~Developer~~ from the subsequent Interconnection Customer~~Developer~~ making such Headroom payments. If an Interconnection Customer~~Developer~~ that initially paid for a System Deliverability Upgrade on a Byway declined to receive its proportionate share of any Incremental TCCs related to the System Deliverability Upgrade or subsequently terminated the Incremental TCCs it elected to receive, any Incremental TCCs that a subsequent Interconnection Customer~~Developer~~ is eligible to receive will be made available from the Incremental TCCs related to the System Deliverability Upgrade that were previously deemed reserved as a result of prior declination or termination in proportion to the Headroom payments received by the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[Interconnection CustomerDeveloper](#) that initially paid for the System Deliverability Upgrade from the subsequent [Interconnection CustomerDeveloper](#) making such Headroom payments. If a subsequent [Interconnection CustomerDeveloper](#) elects to accept its proportionate share of any Incremental TCCs, the subsequent [Interconnection CustomerDeveloper](#) shall be the Primary Holder of such Incremental TCCs; *provided, however*, that Incremental TCCs that were previously deemed reserved and are transferred to a subsequent [Interconnection CustomerDeveloper](#) will become effective on the first day of the Capability Period that commences following the next Centralized TCC Auction conducted after the subsequent [Interconnection CustomerDeveloper](#) makes the necessary Headroom payment and elects to receive its proportionate share of Incremental TCCs. If a subsequent [Interconnection CustomerDeveloper](#) declines an award of its proportionate share of any Incremental TCCs resulting from its Headroom payments, or subsequently terminates the Incremental TCCs it elected to receive in accordance with Section 19.2.4.9 of Attachment M of the ISO OATT, the declined or terminated Incremental TCCs will be deemed permanently terminated.

Any Incremental TCCs resulting from a System Deliverability Upgrade on a Byway, regardless of the Primary Holder thereof, may not be sold or transferred through a Centralized TCC Auction, Reconfiguration Auction or the Secondary Market.

~~40.13.2.2~~ ~~25.7.2.2~~ Highways

The [Interconnection CustomerDeveloper](#) of a [Cluster Study](#)~~Class-Year~~ CRIS Project will pay an allocated share of the cost of the System Deliverability Upgrades to any Highway needed to make the [Cluster Study](#)~~Class-Year~~ Project deliverable in accordance with these rules. The System Deliverability Upgrades on the Highway or Highways, and the [Interconnection CustomerDeveloper](#)'s allocated share of the cost of those System Deliverability Upgrades, will

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

be identified by the ISO, with input from the Connecting Transmission Owner and from the Affected Transmission Owner(s), in the Cluster Study~~Class Year~~ Deliverability Study.

The Transmission Owner(s) responsible for constructing a Highway System Deliverability Upgrade shall request Incremental TCCs with respect to the Highway System Deliverability Upgrade in accordance with the requirements of Section 19.2.4 of Attachment M of the ISO OATT. An Interconnection Customer~~Developer~~ paying for Highway System Deliverability Upgrades will receive the right to accept any Incremental TCCs awarded by the ISO, in proportion to its contribution to the total cost of the Highway System Deliverability Upgrade. The ISO shall round any non-whole MW quantities to a whole number of Incremental TCCs in a manner that ensures that the sum of all individual allocations to eligible entities is equal to the total number of Incremental TCCs awarded to the Highway System Deliverability Upgrade; *provided, however*, that an Interconnection Customer~~Developer~~ will not be entitled to receive any Incremental TCCs if the whole number value determined by the ISO for the subsequent Interconnection Customer~~Developer~~'s proportionate share is zero. If an Interconnection Customer~~Developer~~ elects to accept its proportionate share of any Incremental TCCs resulting from the Highway System Deliverability Upgrade, the Interconnection Customer~~Developer~~ shall be the Primary Holder of such Incremental TCCs. If an Interconnection Customer~~Developer~~ declines an award of its proportionate share of any Incremental TCCs resulting from the Highway System Deliverability Upgrade, or subsequently terminates the Incremental TCCs it elected to receive in accordance with Section 19.2.4.9 of Attachment M of the ISO OATT, the declined or terminated Incremental TCCs will be deemed reserved to the extent necessary to facilitate the potential for transfers to subsequent Interconnection Customers~~Developers~~ that pay for the use of Headroom pursuant to this

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Attachment [HHS](#) on a Highway System Deliverability Upgrade that has been awarded Incremental TCCs. Incremental TCCs that are declined or terminated by an [Interconnection Customer-Developer](#) and not otherwise deemed reserved will be deemed permanently terminated. Incremental TCCs related to a Highway System Deliverability Upgrade that were previously deemed reserved as a result of prior declination or termination will be deemed permanently terminated when the Headroom on the Highway System Deliverability Upgrade ceases to exist or is otherwise reduced to zero in accordance with Section [\[40.17.1.4.3\]](#)~~25.8.7.4~~ of this Attachment [HHS](#).

The Transmission Owner(s) responsible for constructing a Highway System Deliverability Upgrade shall also be awarded, and be the Primary Holder of, any Incremental TCCs related to the portion of a Highway System Deliverability Upgrade funded by Load Serving Entities pursuant to Section [\[40.13.12\]](#)~~25.7.12~~ of this Attachment [HHS](#), in proportion to the contribution of the Load Serving Entities ~~to the~~ to the total cost of the Highway System Deliverability Upgrade. The ISO shall round any non-whole MW quantities to a whole number of Incremental TCCs in a manner that ensures that the sum of all individual allocations to eligible entities is equal to the total number of Incremental TCCs awarded to the Highway System Deliverability Upgrade; *provided, however*, that no Incremental TCCs will be awarded to the Transmission Owner(s) responsible for constructing a Highway System Deliverability Upgrade for the portion of a Highway System Deliverability Upgrade funded by Load Serving Entities if the whole number value determined by the ISO for the Load Serving Entities' proportionate share is zero.

An [Interconnection Customer-Developer](#) paying for a Highway System Deliverability Upgrade will be eligible to receive Headroom payments in accordance with these rules to the

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

extent that it pays for System Deliverability Upgrade capacity in excess of that required to provide the requested level of CRIS and Load Serving Entities have not funded a portion of the costs of the Highway System Deliverability Upgrade pursuant to Section [\[40.13.12\]](#)~~25.7.12~~ of this Attachment [HHS](#). If Load Serving Entities have funded a portion of a Highway System Deliverability Upgrade pursuant to Section [\[40.13.12\]](#)~~25.7.12~~ of this Attachment [HHS](#), the Transmission Owner(s) responsible for constructing the Highway System Deliverability Upgrade will be eligible to receive any and all Headroom payments related to the System Deliverability Upgrade in accordance with these rules on behalf, and for the benefit, of the Load Serving Entities that funded a portion of the System Deliverability Upgrade.

A subsequent [Interconnection Customer](#)~~Developer~~ paying for use of Headroom on System Deliverability Upgrades will be entitled to receive Incremental TCCs, to the extent Incremental TCCs have been awarded by the ISO for the System Deliverability Upgrade, in proportion to its contribution to the total cost of the Highway System Deliverability Upgrade, as determined based on its required Headroom payments. The ISO shall round any non-whole MW quantities to a whole number of Incremental TCCs in a manner that ensures that the sum of all individual allocations to eligible entities is equal to the total number of Incremental TCCs awarded to the Highway System Deliverability Upgrade; *provided, however*, that a subsequent [Interconnection Customer](#)~~Developer~~ will not be entitled to receive any Incremental TCCs if the whole number value determined by the ISO for the [Interconnection Customer](#)~~Developer~~'s proportionate share is zero. If: (i) an [Interconnection Customer](#)~~Developer~~ that initially paid for a Highway System Deliverability Upgrade paid for capacity in excess of that required to provide its requested level of CRIS; (ii) Load Serving Entities have not funded a portion of the costs of the Highway System Deliverability Upgrade pursuant to Section [\[40.13.12\]](#)~~25.7.12~~ of this

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Attachment [HHS](#); and (iii) the [Interconnection CustomerDeveloper](#) elected to receive its proportionate share of any Incremental TCCs related to the System Deliverability Upgrade and continues to hold such Incremental TCCs, any Incremental TCCs that a subsequent [Interconnection CustomerDeveloper](#) is eligible to receive will be made available by reducing the Incremental TCCs related to the System Deliverability Upgrade held by the [Interconnection CustomerDeveloper](#) that initially funded the System Deliverability Upgrade in proportion to the Headroom payments received by such [Interconnection CustomerDeveloper](#) from the subsequent [Interconnection CustomerDeveloper](#) making such Headroom payments. If: (i) an [Interconnection CustomerDeveloper](#) that initially paid for a Highway System Deliverability Upgrade paid for capacity in excess of that required to provide its requested level of CRIS; (ii) Load Serving Entities have not funded a portion of the costs of the Highway System Deliverability Upgrade pursuant to Section [\[40.13.12\]25.7.12](#) of this Attachment [HHS](#); and (iii) the [Interconnection CustomerDeveloper](#) declined to receive its proportionate share of any Incremental TCCs related to the System Deliverability Upgrade or subsequently terminated the Incremental TCCs it elected to receive, any Incremental TCCs that a subsequent [Interconnection CustomerDeveloper](#) is eligible to receive will be made available from the Incremental TCCs related to the System Deliverability Upgrade that were previously deemed reserved as a result of prior declination or termination in proportion to the Headroom payments received by the [Interconnection CustomerDeveloper](#) that initially paid for the System Deliverability Upgrade from the subsequent [Interconnection CustomerDeveloper](#) making such Headroom payments. If Load Serving Entities have funded a portion of a Highway System Deliverability Upgrade pursuant to Section [\[40.13.12\]25.7.12](#) of this Attachment [HHS](#), any Incremental TCCs that a subsequent [Interconnection CustomerDeveloper](#) is eligible to receive will be made available by

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

reducing the Incremental TCCs related to the System Deliverability Upgrade held by the Transmission Owner(s) responsible for constructing the System Deliverability Upgrade. If a subsequent Interconnection Customer~~Developer~~ elects to accept its proportionate share of any Incremental TCCs, the subsequent Interconnection Customer~~Developer~~ shall be the Primary Holder of such Incremental TCCs; *provided, however*, that Incremental TCCs that were previously deemed reserved and are transferred to a subsequent Interconnection Customer~~Developer~~ will become effective on the first day of the Capability Period that commences following the next Centralized TCC Auction conducted after the subsequent Interconnection Customer~~Developer~~ makes the necessary Headroom payment and elects to receive its proportionate share of Incremental TCCs. If a subsequent Interconnection Customer~~Developer~~ declines an award of its proportionate share of any Incremental TCCs resulting from its Headroom payments, or subsequently terminates the Incremental TCCs it elected to receive in accordance with Section 19.2.4.9 of Attachment M of the ISO OATT, the declined or terminated Incremental TCCs will be deemed permanently terminated.

Any Incremental TCCs resulting from a Highway System Deliverability Upgrade, regardless of the Primary Holder thereof, may not be sold or transferred through a Centralized TCC Auction, Reconfiguration Auction or the Secondary Market.

40.13.2.3~~25.7.2.3~~ **Other Interfaces**

If the Cluster Study~~Ass-Year~~ CRIS Project degrades the transfer capability of any one of the Other Interfaces below the transfer capability identified in the current ~~AT~~CBA, then the Interconnection Customer~~Developer~~ will pay its pro rata share of one hundred percent (100%) of the cost of the System Deliverability Upgrades needed to restore the transfer capability of the Other Interfaces degraded by its proposed Project to what the transfer capability of those Other

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Interfaces would have been without its Project, as that transfer capability was measured in the current ~~AT~~CBA. Where two or more Projects would cause degradation of an Other Interface's transfer capability, the cost of the necessary System Deliverability Upgrades to restore the original transfer capability of the interface shall be shared on a pro rata basis, based on the MW of degradation that each Project would cause.

40.13.3~~25.7.3~~ Capacity Regions

40.13.3.1 The deliverability test will be applied within each of the four (4) Capacity Regions: (1) Rest of State (i.e., Load Zones A through F); (2) Lower Hudson Valley (i.e., Load Zones G, H and I); (3) New York City (i.e., Load Zone J); and (4) Long Island (i.e., Load Zone K). To be declared deliverable a generator or Cluster Study~~Class Year~~ Transmission Project must only be deliverable, at its requested CRIS MW, throughout each of the Capacity Regions in which the Project is interconnected or is interconnecting, or, if requesting CRIS for External-to-ROS Deliverability Rights, throughout the Rest of State Capacity Region. For example, ~~starting with Class Year 2012~~, a proposed generator or Cluster Study~~ass Year~~ Transmission Project from an external Control Area interconnecting in the Rest of State Capacity Region (i.e., Load Zones A-F) will be required to demonstrate deliverability throughout the Rest of State Capacity Region (i.e., Load Zones A-F), but will not be required to demonstrate deliverability to or within any of the following Capacity Regions: Lower Hudson Valley (i.e., Load Zones G, H and I); New York City (i.e., Load Zone J); or Long Island (i.e., Load Zone K). ~~Starting with Class Year 2023, a~~

40.13.3.2 A proposed Cluster Study~~ass Year~~ Transmission Project internal to the NYCA that is requesting CRIS for UDRs must be deliverable both throughout the Capacity Region to which it proposes to inject Energy and throughout the Capacity Region from which it proposes to withdraw Energy. For example, a Cluster Study~~ass Year~~ Transmission Project that proposes

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

to withdraw Energy from the Rest of State Capacity Region (i.e., Load Zones A-F) and inject Energy into New York City (i.e., Load Zone J) must demonstrate deliverability throughout the Rest of State Capacity Region and demonstrate deliverability throughout the New York City Capacity Region.

40.13.4~~25.7.4~~ Participation in Capacity Markets

40.13.4.1 An Interconnection Customer~~Developer~~, in order to be eligible to become an Installed Capacity Supplier or receive Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights, must obtain CRIS pursuant to the procedures set forth in this Attachment HHS. An Interconnection Customer~~Developer~~ must enter a Cluster Study~~Class~~~~Year~~ Deliverability Study or Expedited Deliverability Study in order to obtain CRIS, unless otherwise provided for in this Attachment HHS. The MW amount of CRIS requested by an Interconnection Customer~~Developer~~, stated in MW of Installed Capacity (“ICAP”), cannot exceed the MW levels specified in Sections [40.5.6.5]~~25.8.4~~ of this Attachment HHS. All requests for CRIS must be in tenths of a MW.

The ISO will perform the Cluster Study~~ass~~~~Year~~ Deliverability Study and Expedited Deliverability Study in accordance with these rules and with input of Market Participants, to determine the deliverability of the Projects requesting CRIS in each study. The Expedited Deliverability Study will only determine the extent to which the Project is deliverable at the full amount of requested CRIS. The Cluster Study~~Class~~~~Year~~ Deliverability Study will determine deliverability at the full amount of requested CRIS and, if not deliverable, will identify and allocate the cost of the System Deliverability Upgrades needed to make deliverable each Cluster Study~~Class~~~~Year~~ CRIS Project. In order to be eligible to become an Installed Capacity Supplier or receive Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights, an

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Interconnection Customer-Developer must: (i) be found fully deliverable at the requested CRIS level in an Expedited Deliverability Study or (ii) in a Cluster~~Class Year~~ Study, either (1) accept its deliverable MW in a Cluster~~ass Year~~ Study or Expedited Deliverability Study; or (2) pay cash or post Security fund or commit to fund, in accordance with these rules, for the System Deliverability Upgrades needed for its Project to be deliverable at the requested level of CRIS.

40.13.5~~25.7.5~~ The Pre-Existing System

Where the Existing System Representation demonstrates deliverability issues, an Interconnection Customer-Developer electing CRIS need only address the incremental deliverability of its CRIS request, not the deliverability of the pre-existing system depicted in the Existing System Representation. Likewise, Transmission Owners will not be responsible for curing any pre-existing issues related to the deliverability of generators.

40.13.6~~25.7.6~~ CRIS Values

Through a Class Year Study, an Interconnection Customer-Developer may elect no CRIS, partial CRIS, or full CRIS for its Project by satisfying the applicable sections of this Attachment HHS. Through an Expedited Deliverability Study, an Interconnection Customer-Developer may elect CRIS or partial CRIS to the extent its requested CRIS is deliverable pursuant to the NYISO Deliverability Interconnection Standard.

Each Project qualifying for CRIS will have two CRIS values per Project: one for the Summer Capability Period and one for the Winter Capability Period. For Projects comprised of multiple Generators, the Project's CRIS, subject to the maximum permissible requested CRIS pursuant to Section [40.5.6.5]~~25.8.1~~ of this Attachment HHS, shall be allocated among the multiple Generators, and shall be allocated among the multiple Generators, as requested by Interconnection Customer-Developer (to the extent permissible under Section [40.5.6.5]~~25.8.1~~ of

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

this Attachment [HHS](#)). The Project's CRIS and allocation of CRIS among its units, as applicable, will be specified by ISO in the Class Year Deliverability Study report approved by the ISO Operating Committee.

The Project's CRIS value for the Summer Capability Period will be set using the deliverability test methodology and procedures described below. ~~Through the Winter Capability Period 2017/2018, the Project's CRIS value for the Winter Capability Period will be set at a value that will maintain the same proportion of CRIS to ERIS as the Project has for the Summer Capability Period. For Winter Capability Periods beyond 2017/2018, t~~The Project's CRIS value for the Winter Capability Period will be determined by the applicable process below:

[40.13.6.1](#)~~25.7.6.1~~ **Winter CRIS will be calculated as follows:**

Winter CRIS MW = (Summer CRIS MW x Maximum Net Output at 10 degrees Fahrenheit)/Maximum Net Output at 90 degrees Fahrenheit

Where:

Maximum Net Output at 10 degrees Fahrenheit = the Project's maximum net output at 10 degrees Fahrenheit determined pursuant to the Project's ISO-approved temperature curve; and

Maximum Net Output at 90 degrees Fahrenheit = the Project's maximum net output at 90 degrees Fahrenheit determined pursuant to the Project's ISO-approved temperature curve.

[40.13.6.1.1](#)~~25.7.6.1.1~~ For facilities with Summer CRIS ~~as of December 16, 2017~~, the

following additional provision applies: For such facilities for which there is an ISO-accepted temperature curve used for determining the Project's DMNC, Winter CRIS will be calculated using such temperature curve, provided the capability represented by the curve does not exceed the Project's ERIS. For facilities for which there is not an ISO-accepted temperature curve used for determining the Project's DMNC, Winter CRIS will be set equal to the Project's

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Summer CRIS unless the Project provides a temperature curve to the ISO by December 16, 2017, that the ISO subsequently determines is acceptable.

~~25.7.6.1.2~~ For facilities first obtaining Summer CRIS on or after December 16, 2017, the Winter CRIS will be determined using the most recent temperature curve provided to and accepted by the ISO, either during the interconnection process or at the time the Summer CRIS is first obtained.

~~40.13.6.2~~~~25.7.6.2~~ Upon an increase to a Project's Summer CRIS pursuant to a permissible increase in Summer CRIS under Sections ~~[40.5.6.6]~~ or ~~[40.18.3]~~~~25.9.4~~ of this Attachment ~~HHS, Attachment X, Section 30.3.2.6 or Attachment Z, Section 32.4.11.1~~ (increases in CRIS not requiring a Class Year Study) or pursuant to an increase in Summer CRIS evaluated in a ~~Cluster~~~~ass Year~~ Study for which an ~~Interconnection Request Developer~~ accepts its Project Cost Allocation for System Deliverability Upgrades and posts Security therefore (if applicable) or accepts its Deliverable MWs, the Winter CRIS will be determined using the formula set forth in Section ~~[40.13]~~~~25.7.6~~ (i), wherein the Summer CRIS MW will be the increased Summer CRIS MW.

Commented [A2]: NYISO Comment: NYISO confirming updated cross-references.

~~40.13.7~~~~25.7.7~~ **Deliverability Study Procedures**

~~40.13.7.1~~~~25.7.7.1~~ **~~Cluster Study~~~~ass Year~~ Deliverability Study Procedures**

The ISO-~~staff~~ will conduct the ~~Cluster Study~~~~Class Year~~ Deliverability Study, as described in these rules, in cooperation with Market Participants. No Market Participant will have decisional control over any determinative aspect of the ~~Cluster Study~~~~Class Year~~ Deliverability Study. The ISO-~~and its staff~~ will have decisional control over the entire ~~Cluster Study~~~~Class Year~~ Deliverability Study. If, at any time, the ISO-~~staff~~ decides that it needs specific

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

expert services from entities such as Market Participants, consultants or engineering firms for it to conduct the [Cluster Study](#)~~Class Year~~ Deliverability Study, then the ISO will enter into appropriate contracts with such entities for such input. The ISO shall utilize existing studies to the extent practicable when it performs the study, ~~including but not limited to SRIS deliverability analyses performed pursuant to Section 30.7.3.2 and 30.7.4.2 of Attachment X to the OATT.~~ As it conducts each [Cluster Study](#)~~Class Year~~ Deliverability Study, the ISO ~~staff~~ will provide regularly scheduled status reports and working drafts, with supporting data, to the Operating Committee or an Operating Committee subcommittee to ensure that all affected Market Participants have an opportunity to contribute whatever information and input they believe might be helpful to the process. Each completed [Cluster Study](#)~~Class Year~~ Deliverability Study will be reviewed and approved by the Operating Committee, when the Operating Committee approves the ~~ATR~~[CPA](#) for the same [Cluster Study](#)~~Class Year~~. Each [Cluster Study](#)~~Class Year~~ Deliverability Study is reviewable by the ISO Board of Directors in accordance with the provisions of the Commission-approved ISO Agreement.

~~Starting with Class Year 2019, if~~ the ISO determines that an Additional SDU Study is required pursuant to Section ~~[40.14]25.5.10~~ of this Attachment ~~HHS~~, ISO will notify all ~~Class Year~~[Cluster Study](#) Projects that such Additional SDU Study will be conducted, such notice to be provided as soon as practicable after the ISO receives notice from [Interconnection Customers](#)~~Developers~~ in response to the Notice of SDU Requiring Additional Study.

~~40.13.7.2~~~~25.7.7.2~~ **Expedited Deliverability Study Procedures**

The ISO ~~staff~~ will conduct the Expedited Deliverability Study, as described in these rules in cooperation with Market Participants. No Market Participant will have decisional control over any determinative aspect of the Expedited Deliverability Study. The ISO ~~and its staff~~ will have

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

decisional control over the entire Expedited Deliverability Study. If, at any time, the ISO ~~staff~~ decides that it needs specific expert services from entities such as Market Participants, consultants or engineering firms for it to conduct the Expedited Deliverability Study, then the ISO will enter into appropriate contracts with such entities for such input. The ISO shall utilize existing studies to the extent practicable when it performs the study, ~~including but not limited to SRIS deliverability analyses performed pursuant to Section 30.7.3.2 and 30.7.4.2 of Attachment X to the OATT~~. As it conducts each Expedited Deliverability Study, the ISO ~~staff~~ will provide regularly scheduled status reports and working drafts, with supporting data, to the Operating Committee or an Operating Committee subcommittee to ensure that all affected Market Participants have an opportunity to contribute whatever information and input they believe might be helpful to the process. Each completed Expedited Deliverability Study will be reviewed and approved by the Operating Committee. Each Expedited Deliverability Study is reviewable by the ISO Board of Directors in accordance with the provisions of the Commission-approved ISO Agreement.

40.13.8~~25.7.8~~ Deliverability Test Methodology for Highways and Byways

40.13.8.1~~25.7.8.1~~ Definition of NYCA Deliverability

The NYCA transmission system shall be able to deliver the aggregate of NYCA capacity resources to the aggregate of the NYCA load under summer peak load conditions. This is accomplished, in the Cluster~~Class Year~~ Study, through ensuring the deliverability of each Cluster~~Study~~~~Class Year~~ CRIS Project, in the Capacity Region(s) where the Project interconnects. This is accomplished, in the Expedited Deliverability Study, through ensuring the deliverability of each Cluster Study~~Class Year~~ CRIS Request, in the Capacity Region where the Project interconnects.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.13.8.2~~25.7.8.2~~ **NYCA Deliverability Testing Methodology**

40.13.8.2.1~~25.7.8.2.1~~ **Cluster~~Class Year~~ Study**

40.13.8.2.1.1~~25.7.8.2.1.1~~ The current ~~Class Year AT~~CBA for the Cluster Study,

developed in accordance with ISO Procedures, will serve as the starting point for the deliverability baseline for testing under summer peak system conditions, subject to ISO Procedures and the following:

All Cluster Study~~Class Year~~ CRIS Projects will be evaluated on an aggregate Cluster~~Class Year~~ basis. Deliverability will be determined through a shift from generation to generation within the Capacity Regions in New York State. Each Capacity Region will be tested on an individual basis.

40.13.8.2.1.2~~25.7.8.2.1.2~~ Each entity requesting External CRIS Rights will request a certain number of MW to be evaluated for deliverability pursuant to Section [40.13.11~~25.7.11]~~ of this Attachment HH~~S~~. The MW of an entity requesting External CRIS Rights will not be derated for the deliverability analysis.

40.13.8.2.1.3~~25.7.8.2.1.3~~ Each Interconnection Customer~~Developer~~ requesting CRIS will request that a certain number of MW be evaluated for deliverability, such MW not to exceed the maximum levels set forth in Section [40.6.5]~~25.8.1~~ of this Attachment HH~~S~~. The MW requested by an Interconnection Customer~~Developer~~ will represent Installed Capacity, and will be derated for the deliverability analysis, as set forth in this Section [40.13.8.2.1.3]~~25.7.8.2.1.3~~. The CRIS MW requested by a Resource with an Energy Duration Limitation will represent Installed Capacity based on the Interconnection Customer~~Developer~~-selected duration (i.e., its expected maximum injection capability in MW hours for the Interconnection Customer~~Developer~~-selected duration). The CRIS MW

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

requested by a [Cluster Study](#) ~~Class-Year~~ Transmission Project seeking UDRs will represent Installed Capacity at the point of injection. At the conclusion of the analysis, the ISO will reconvert only the deliverable MW and report them in terms of MW of Installed Capacity using the same derating factor utilized at the beginning of the deliverability analysis.

Facilities requesting CRIS and existing facilities with CRIS will be modeled in the deliverability analysis at MW levels described herein. A derated generator capacity incorporating availability is used. This derated generator capacity is calculated for each resource using a UCAP Deration Factor (“UCDF”). The UCDF used is an average value based on historical performance on a Capacity Region basis, as determined in accordance with ISO Procedures. The UCDF for all generators that are not Intermittent Power Resources (resources that are not Intermittent Power Resources include Energy Storage Resources) or Limited Control Run of River Hydro is the average EFORD. All generators that are not Intermittent Power Resources or Limited Control Run of River Hydro in the same Capacity Region will use the same UCDF. The UCDF for Intermittent Power Resources and Limited Control Run of River Hydro will be calculated based on historical production data by resource type in accordance with ISO Procedures.

Facilities comprised of Generators of different technologies will be derated using a blended UCDF that combines the UCDF of the individual Generators within the Project; *provided, however*, that if the Project includes load reduction, the load reduction would not impact the UCDF of the Project.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

The UCDF factor for proposed Projects will be applied to the requested CRIS level. For facilities modeled in the ~~AT~~CBA, the UCDF will be applied to their CRIS level.

The CRIS MW requested by a Cluster Study~~Class Year~~ Transmission Project or held by an existing facility with UDRs will not be derated at the point of injection (*i.e.*, sink) for the deliverability analysis. However, the withdrawal capability (*i.e.*, source) of such a facility that is internal to the NYCA will be modeled in the deliverability analysis at the MW of CRIS plus losses of the facility expected to occur at its CRIS injection level, in the manner set forth in Section [40.13.8.2.1.13]~~25.7.8.2.1.13~~.

Existing CRIS that will be modeled in the Cluster~~Class Year~~ Study shall include: existing CRIS for facilities not being evaluated in the Cluster~~Class Year~~ Study regardless of outage state, unless (1) that CRIS will expire no later than 12 months (*i.e.*, 365 Calendar Days) after the Phase 1 Study Start Date~~Class Year Start Date~~, except where the facility has provided notice of a proposed CRIS transfer anticipated to be finalized no later than 12 months (*i.e.*, 365 Calendar Days) of the Phase 1 Study Start Date~~Class Year Start Date~~; or (2) the CRIS is associated with a Retired facility that cannot transfer such rights prior to CRIS expiration. For purposes of this Section [40.13.8.2.1.3]~~25.7.8.2.1.3~~, “existing CRIS” for Projects that have undergone, as applicable, a prior Class Year Study or Cluster Study deliverability evaluation is CRIS obtained upon completion of a Class Year Study or Cluster Study through which the Interconnection Customer~~Developer~~ accepted its deliverable MW or accepted its Project Cost

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Allocation and posted Security for System Deliverability Upgrades, as applicable.

For Projects that undergo an Expedited Deliverability Study deliverability evaluation, “existing CRIS” is CRIS that is obtained upon completion of an Expedited Deliverability Study through which the [Interconnection CustomerDeveloper](#) was deemed to have accepted its deliverable MW in an Expedited Deliverability Study completed prior to the [Phase 1 Study Start DateClass Year Study Start Date](#).

[40.13.8.2.1.4](#)~~25.7.8.2.1.4~~ Load uncertainties will be addressed in accordance with ISO Procedures by taking the impact of Load Forecast Uncertainty (“LFU”) from the most recent base case IRM and applying it to load.

[40.13.8.2.1.5](#)~~25.7.8.2.1.5~~ Deliverability base case conditioning steps will be consistent with those used for the Reliability Planning Process and Area Transmission Review transfer limit calculation methodology.

[40.13.8.2.1.6](#)~~25.7.8.2.1.6~~ In deliverability testing, Emergency transfer criteria and contingency testing will be in conformance with NYSRC rules and correspond to that used in the Reliability Planning Process studies.

[40.13.8.2.1.7](#)~~25.7.8.2.1.7~~ The ~~NY~~ISO will monitor all transmission facilities that are part of the New York State Transmission System.

[40.13.8.2.1.8](#)~~25.7.8.2.1.8~~ When either the voltage or stability transfer limit of an interface calculated in the ~~AT~~CBA is more binding than the calculated thermal transfer limit, then the lower of the ~~AT~~CBA voltage or stability transfer limit will be included in the deliverability testing as a proxy limit.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.13.8.2.1.9](#)~~25.7.8.2.1.9~~ External system imports will be adjusted as necessary to eliminate or minimize overloads, other than the following external system imports: (i) the grandfathered import contract rights listed in Attachment E to the Installed Capacity Manual, (ii) the operating protocols set forth in Schedule C of Attachment CC to the [ISO](#) OATT, (iii) the appropriate rules for reflecting PJM service to RECo load, (iv) ~~beginning with Class Year 2008 and in subsequent Class Years~~, the Existing Transmission Capacity for Native Load listed for the New York State Electric & Gas Corporation in Table 3 of Attachment L to the [ISO](#) OATT, (v) ~~in Class Year 2008 and 2009, 1090 MW of imports made over the Quebec (via Chateauguay) interface~~, and (vi) ~~beginning with Class Year 2010 and in subsequent Class Years~~, any External CRIS Rights awarded pursuant to Section [\[40.13.1125.7.11\]](#) of this Attachment [HHS](#), either as a result of the conversion of grandfathered rights over the Quebec (via Chateauguay) Interface or as a result of a [Cluster Study](#)~~Class Year~~ Deliverability Study, until, as of the [Phase 1 Study Start Date](#)~~Class Year Start Date~~, the time available to renew the External CRIS Rights has expired, as described in Section [\[40.18.2.4\]25.9.3.2.2](#) of this Attachment [HHS](#).

[40.13.8.2.1.10](#)~~25.7.8.2.1.10~~ Flows associated with generators physically located in the NYCA but selling capacity out of the market will be modeled as such in the deliverability base cases.

[40.13.8.2.1.11](#)~~25.7.8.2.1.11~~ Resources and demand are brought into balance in the baseline. If resources are greater than demand in the Capacity Region, existing generators within the Capacity Region are prorated down. If resources are lower

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

than demand in the Capacity Region, additional external resources are included in the model.

[40.13.8.2.1.12](#)~~25.7.8.2.1.12~~ PARs within the applicable Capacity Region will be adjusted as necessary, in either direction and within their angle capability, to eliminate or minimize overloads without creating new ones. PARs controlling external ties and ties between the Capacity Regions will be modeled, within their angle capability, to hold the individual tie flows to their respective deliverability baseline schedules, which shall be set recognizing firm commitments and operating protocol set forth in Schedule C of Attachment CC to the [ISO](#) OATT.

[40.13.8.2.1.13](#)~~25.7.8.2.1.13~~ Deliverability testing will proceed as follows - The generation/load mix is split into two groups of generation and load, one upstream and one downstream for each zone or sub-zone tested within the Capacity Region. All elements that are part of the New York State Transmission System within the Capacity Region will be monitored. For a [Cluster Study](#)~~Class Year~~ Transmission Project seeking UDRs, the MW of requested CRIS plus losses of the facility at the point of withdrawal are modeled as negative generation in the Capacity Region (*i.e.*, as a proxy generating facility withdrawing power from the New York State Transmission System in the Capacity Region.) If there is excess generation upstream (that is, more upstream generation than is necessary to serve the upstream load plus LFU), then the generation excess, considering generator derate factors described in Section [\[40.13.8.2.2\]](#)~~25.7.8.2.2~~ above, is assumed to displace downstream generation. If the dispatch of the upstream excess generation causes an overload, this overload is flagged as a potential deliverability problem and will

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

be used to determine the amount of capacity that is assigned CRIS status and the overload mitigation.

[40.13.8.2.1.14](#)~~25.7.8.2.1.14~~ For Highway interfaces, the generators or [Cluster Study](#)~~ass~~

~~Year~~ Transmission Projects in a [Cluster for the Cluster Study](#)~~Class Year~~, whether or not they are otherwise deliverable, will not be considered deliverable if their aggregate impact degrades the transfer capability of the interface more than the lesser of 25 MW or 2 percent of the transfer capability identified in the ~~ATC~~[BA](#) and results in an increase to the NYCA LOLE determined for the ~~ATC~~[BA](#) of .01 or more. The [Cluster Study](#)~~Class Year~~ CRIS Projects causing the degradation will be responsible, on a pro rata basis, for restoring transfer capability only to the extent their aggregate degradation of transfer capability, compared to that in the ~~ATC~~[BA](#), would not occur but for the [Cluster](#)~~Class Year~~ CRIS Projects.

[40.13.8.2.2](#)~~25.7.8.2.2~~ **Expedited Deliverability Study**

[40.13.8.2.2.1](#)~~25.7.8.2.2.1~~ The current Class Year ~~ATR~~[CPA](#), developed in accordance with ISO Procedures, will serve as the starting point for the deliverability baseline for testing under summer peak system conditions, subject to ISO Procedures and the following: All [projects in the](#) Expedited Deliverability Study ~~Projects~~ will be evaluated on an aggregate Expedited Deliverability Study basis. Deliverability will be determined through a shift from generation to generation within the Capacity Regions in New York State. Each Capacity Region will be tested on an individual basis.

[40.13.8.2.2.2](#)~~25.7.8.2.2.2~~ Each [Interconnection Customer](#)~~Developer~~ requesting CRIS will request that a certain number of MW be evaluated for deliverability, such

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

MW not to exceed the maximum levels set forth in Section [\[40.5.6.5\]](#)~~25.8.1~~ of this Attachment [HHS](#). The MW requested by an [Interconnection Customer Developer](#) will represent Installed Capacity, and will be derated for the deliverability analysis, as set forth in this Section [\[40.13.8.2.2.2\]](#)~~25.7.8.2.2.2~~. The CRIS MW requested by a Resource with an Energy Duration Limitation will represent Installed Capacity based on the [Interconnection Customer Developer](#)-selected duration (i.e., its expected maximum injection capability in MW hours for the [Interconnection Customer Developer](#)-selected duration). The CRIS MW requested by a [Cluster Study](#)~~Class Year~~ Transmission Project seeking UDRs will represent Installed Capacity at the point of injection. At the conclusion of the analysis, the ISO will reconvert only the deliverable MW and report them in terms of MW of Installed Capacity using the same derating factor utilized at the beginning of the deliverability analysis.

Facilities requesting CRIS and existing facilities with CRIS will be modeled in the deliverability analysis at MW levels described herein. A derated generator capacity incorporating availability is used. This derated generator capacity is calculated for each resource using a UCAP Deration Factor (“UCDF”). The UCDF used is an average value based on historical performance on a Capacity Region basis, as determined in accordance with ISO Procedures. The UCDF for all generators that are not Intermittent Power Resources (resources that are not Intermittent Power Resources include Energy Storage Resources) or Limited Control Run of River Hydro is the average EFORD. The UCDF for Intermittent Power Resources and Limited Control Run of River Hydro will be

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

calculated based on ~~historical~~ production data by resource type in accordance with ISO Procedures. Facilities comprised of Generators of different technologies will be derated using a blended UCDF that combines the UCDF of the individual Generators within the Project; *provided, however*, that if the Project includes load reduction, the load reduction would not impact the UCDF of the Project.

The CRIS MW requested by a Cluster Study~~Class-Year~~ Transmission Project or held by an existing facility with UDRs will not be derated at the point of injection (*i.e.*, sink) for the deliverability analysis. However, the withdrawal capability (*i.e.*, source) of such a facility that is internal to the NYCA will be modeled in the deliverability analysis at the MW of CRIS plus losses of the facility expected to occur at its CRIS injection level, in the manner set forth in Section 40.13.8.2.2.13~~25.7.8.2.2.13~~.

The UCDF factor for proposed Projects will be applied to the requested CRIS level. For facilities modeled in the ~~ATR~~CPA, the UCDF will be applied to their CRIS level.

40.13.8.2.2.3~~25.7.8.2.2.3~~ CRIS that will be modeled in the Expedited Deliverability Study shall include: (1) existing CRIS, including CRIS obtained in a previous Expedited Deliverability Study, for facilities not being evaluated in the instant Expedited Deliverability Study, regardless of outage state, unless (i) the CRIS will expire no later than four months (*i.e.*, 120 Calendar Days) after the Expedited Deliverability Study Start Date, except where the facility has provided notice of a proposed CRIS transfer anticipated to be finalized no later than four months (*i.e.*, 120 Calendar Days) after the Expedited Deliverability Study Start Date; or (ii) the

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

CRIS is associated with a Retired facility that cannot transfer such rights prior to CRIS expiration; and (2) CRIS requested by Projects in, as applicable, the Class Year Study(ies) or Cluster Study(ies) pending during the Expedited Deliverability Study. For purposes of this section [40.13.8.2.2.3]~~25.7.8.2.2.3~~, “existing CRIS” is CRIS that has not expired and CRIS that has been obtained by Projects through Attachment HHS. For Projects that undergo a Class Year Study or Cluster Study deliverability evaluation, “existing CRIS,” is CRIS obtained, upon completion of a Class Year Study or Cluster Study through which the Interconnection Customer~~Developer~~ accepted deliverable MW or accepted its Project Cost Allocation and posted Security for System Deliverability Upgrades, as applicable. For Projects that undergo an Expedited Deliverability Study deliverability evaluation, “existing CRIS,” is CRIS obtained, upon completion of an Expedited Deliverability Study through which the Interconnection Customer~~Developer~~ was deemed to have accepted its deliverable MW.

40.13.8.2.2.4~~25.7.8.2.2.4~~ Load uncertainties will be addressed in accordance with ISO Procedures by taking the impact of Load Forecast Uncertainty (“LFU”) from the most recent base case IRM and applying it to load.

40.13.8.2.2.5~~25.7.8.2.2.5~~ Deliverability base case conditioning steps will be consistent with those used for the ~~Comprehensive~~ Reliability Planning Process and Area Transmission Review transfer limit calculation methodology.

40.13.8.2.2.6~~25.7.8.2.2.6~~ In deliverability testing, Emergency transfer criteria and contingency testing will be in conformance with NYSRC rules and correspond to that used in the NYISO ~~Comprehensive~~ Reliability Planning Process studies.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.13.8.2.2.7](#)~~25.7.8.2.2.7~~ The ISO will monitor all transmission facilities that are part of the New York State Transmission System.

[40.13.8.2.2.8](#)~~25.7.8.2.2.8~~ When either the voltage or stability transfer limit of an interface calculated in the ~~ATR~~[CPA](#) is more binding than the calculated thermal transfer limit, then the lower of the ~~ATR~~[CPA](#) voltage or stability transfer limit will be included in the deliverability testing as a proxy limit.

[40.13.8.2.2.9](#)~~25.7.8.2.2.9~~ External system imports will be adjusted as necessary to eliminate or minimize overloads, other than the following external system imports: (i) the grandfathered import contract rights listed in Attachment E to the Installed Capacity Manual, (ii) the operating protocols set forth in Schedule C of Attachment CC to the [ISO](#) OATT, (iii) the appropriate rules for reflecting PJM service to RECo load, (iv) the Existing Transmission Capacity for Native Load listed for the New York State Electric & Gas Corporation in Table 3 of Attachment L to the [ISO](#) OATT, (v) any External CRIS Rights awarded pursuant to Section [\[40.13.11\]](#)~~25.7.11 of this Attachment S~~, either as a result of the conversion of grandfathered rights over the Quebec (via Chateauguay) Interface or as a result of a Class Year Deliverability Study [or a Cluster Study Deliverability Study](#), until, as of the Expedited Deliverability Study start date, the time available to renew the External CRIS Rights has expired, as described in Section [\[40.18.2.4\]](#)~~25.9.3.2.2 of this Attachment S~~.

[40.13.8.2.2.10](#)~~25.7.8.2.2.10~~ Flows associated with generators physically located in the NYCA but selling capacity out of the market will be modeled as such in the deliverability base cases.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.13.8.2.2.11](#)~~25.7.8.2.2.11~~ Resources and demand are brought into balance in the baseline. If resources are greater than demand in the Capacity Region, existing generators within the Capacity Region are prorated down. If resources are lower than demand in the Capacity Region, additional external resources are included in the model.

[40.13.8.2.2.12](#)~~25.7.8.2.2.12~~ PARs within the applicable Capacity Region will be adjusted as necessary, in either direction and within their angle capability, to eliminate or minimize overloads without creating new ones. PARs controlling external ties and ties between the Capacity Regions will be modeled, within their angle capability, to hold the individual tie flows to their respective deliverability baseline schedules, which shall be set recognizing firm commitments and operating protocol set forth in Schedule C of Attachment CC to the [ISO](#) OATT.

[40.13.8.2.2.13](#)~~25.7.8.2.2.13~~ Deliverability testing will proceed as follows - The generation/load mix is split into two groups of generation and load, one upstream and one downstream for each zone or sub-zone tested within the Capacity Region. For a [Cluster Study](#) ~~Class Year~~ Transmission Project seeking UDRs, the MW of requested CRIS plus losses of the facility at the point of withdrawal are modeled as negative generation in the Capacity Region (*i.e.*, as a proxy generating facility withdrawing power from the New York State Transmission System in the Capacity Region.) All elements that are part of the New York State Transmission System within the Capacity Region will be monitored. If there is excess generation upstream (that is, more upstream generation than is necessary to serve the upstream load plus LFU), then the generation excess, taking into account

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

generator derate factors described in Section [\[40.13.8.2.25.7.8.2.2\]](#) above, is assumed to displace downstream generation. If the dispatch of the upstream excess generation causes an overload, this overload is flagged as a potential deliverability problem and will be used to determine the amount of partial CRIS, if any, for the applicable Projects in the Expedited Deliverability Study.

[40.13.8.2.2.14](#)~~25.7.8.2.2.14~~ For Highway interfaces, the Projects in an Expedited Deliverability Study, whether or not they are otherwise deliverable, will not be considered deliverable if their aggregate impact degrades the transfer capability of the interface more than the lesser of 25 MW or 2 percent of the transfer capability identified in the ~~ATRC~~[CPA](#). To the extent possible, the ISO will determine partial CRIS, if any, for any applicable Project in the Expedited Deliverability Study.

[40.13.9](#)~~25.7.9~~ Deliverability Test Methodology for Other Interfaces

[40.13.9.1](#)~~25.7.9.1~~ [Cluster Study](#)~~Class-Year~~ Deliverability Test Methodology for Other Interfaces

The generators or [Cluster Study](#)~~Class-Year~~ Transmission Projects in a [Cluster for a](#)
[Cluster Study](#)~~Class-Year~~, whether or not they are otherwise deliverable across Highways and Byways, will not be considered deliverable if their aggregate impact degrades the transfer capability of any Other Interface more than the lesser of 25 MW or 2 percent of the transfer capability of the Other Interface identified in the ~~ATC~~[CBA](#). Each [Interconnection](#)
[Customer](#)~~Developer~~ will be responsible for its pro rata [Cluster](#)~~Class-Year~~ share of one hundred percent (100%) of the cost of System Deliverability Upgrades needed to restore transfer capability on the Other Interfaces impacted by the [Cluster Study](#)~~Class-Year~~ CRIS Projects but only to the extent that the degradation of transfer capability on the Other Interfaces, compared to that measured in the current ~~Class-Year AT~~[CBA for the Cluster Study](#), would not occur but for

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

the aggregate impact of the [Cluster Study](#)~~Class-Year~~ Projects. Where two or more Projects contribute to the degradation of the transfer capability of an Other Interface, each Project [Interconnection Customer](#)~~Developer~~ shall pay for a share of the required System Deliverability Upgrades based on its contribution to the degradation of the transfer capability. To the extent possible, the ISO will determine partial CRIS, if any, for any applicable Project in the [Cluster](#)~~ass~~
~~Year~~ Study.

[40.13.9.2](#)~~25.7.9.2~~ Expedited Deliverability Study Test Methodology for Other Interfaces

The Projects in an Expedited Deliverability Study, whether or not they are otherwise deliverable across Highways and Byways, will not be considered deliverable if their aggregate impact degrades the transfer capability of any Other Interface more than the lesser of 25 MW or 2 percent of the transfer capability of the Other Interface identified in the ~~AT~~[C](#)BA. To the extent possible, the ISO will determine partial CRIS, if any, for any applicable Project in the Expedited Deliverability Study.

[40.13.10](#)~~25.7.10~~ Deliverability of External Installed Capacity

External Installed Capacity not associated with Unforced Capacity Deliverability Rights, External-to-ROS Deliverability Rights or External CRIS Rights will be subject to the deliverability test in Section [\[40.13.8\]](#)~~25.7.8~~ and [\[40.13.9\]](#)~~25.7.9~~ of this Attachment ~~HH~~[S](#), but not as a part of the [Cluster Study](#) ~~Class-Year~~ Deliverability Study. As described in detail in Section 5.12.2 of the [ISO](#) Services Tariff, the deliverability of External Installed Capacity not associated with Unforced Capacity Deliverability Rights, External-to ROS Deliverability Rights or External CRIS Rights will be evaluated separately as a part of the annual process under the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[ISO](#) Services Tariff that sets import rights for the upcoming Capability Year, to determine the amount of External Installed Capacity that can be imported to the New York Control Area.

[40.13.11](#)~~25.7.11~~ CRIS Rights For External Installed Capacity

An entity, by following the procedures and satisfying the requirements described in this Section [40.13.11](#)~~25.7.11~~, may obtain External CRIS Rights. While the External CRIS Rights are in effect, External Installed Capacity associated with External CRIS Rights is not subject to (1) the deliverability determination described above in Section [40.13.10](#)~~25.7.10~~ of this Attachment [HHS](#), (2) the annual deliverability determination applied in the import limit setting process described in Section 5.12.2.2 of the [ISO](#) Services Tariff, or (3) to the allocation of import rights described in ISO Procedures.

[40.13.11.1](#)~~25.7.11.1~~ Required Commitment of External Installed Capacity

An entity requesting External CRIS Rights for a specified number of MW of External Installed Capacity must commit to supply that number of MW of External Installed Capacity for a period of at least five (5) years (“Award Period”). The entity’s commitment to supply the specified number of MW for the Award Period may be based upon either an executed bilateral contract to supply (“Contract Commitment”), or based upon another kind of long-term commitment (“Non-Contract Commitment”), both as described herein.

[40.13.11.1.1](#)~~25.7.11.1.1~~ Contract Commitment

An entity making a Contract Commitment of External Installed Capacity must have one or more executed bilateral contract(s) to supply a specified number of MW of External Installed Capacity (“Contract CRIS MW”) to a Load Serving Entity or Installed Capacity Supplier for an Award Period of at least five (5) years. The entity must have ownership or contract control of

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

External Installed Capacity to fulfill its bilateral supply contract throughout the Award Period, and that otherwise satisfies ISO requirements.

[40.13.11.1.1.1](#)~~25.7.11.1.1.1~~ The bilateral supply contract(s) individually or in the aggregate, must be for all months of the Summer Capability Periods over the term of the bilateral supply contract(s), but need not include any of the months of the Winter Capability Periods over that term. The entity seeking External CRIS Rights must specify which, if any, months of the Winter Capability Period it will supply External Installed Capacity under the bilateral supply contract(s) (“Specified Winter Months”).

[40.13.11.1.1.2](#)~~25.7.11.1.1.2~~ The bilateral supply contract(s) must be for the same number of MW for all months of the Summer Capability Periods (“Summer Contract CRIS MW”) and the same number of MW for all Specified Winter Months (“Winter Contract CRIS MW”). The Winter Contract CRIS MW level must be less than or equal to the Summer Contract CRIS MW level.

[40.13.11.1.1.3](#)~~25.7.11.1.1.3~~ An entity holding External CRIS Rights under a Contract Commitment must certify the bilateral supply contract for every month of the Summer Capability Periods and all Specified Winter Months for the applicable Contract CRIS MW. The Summer Contract CRIS MW must be certified for every month of the Summer Capability Period, and the Winter Contract CRIS MW must be certified for every Specified Winter Month (if any).

[40.13.11.1.2](#)~~25.7.11.1.2~~ **Non-Contract Commitment**

An entity holding External CRIS Rights under a Non-Contract Commitment must offer the committed number of MW of External Installed Capacity for every month of the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

commitment, as described below, in the ISO Installed Capacity auctions for an Award Period of at least five (5) years. The entity must have ownership or contract control of External Installed Capacity to fulfill its Non-Contract Commitment throughout the Award Period.

[40.13.11.1.2.1](#)~~25.7.11.1.2.1~~ The Non-Contract Commitment must be made for all months of the Summer Capability Periods over the term of the Award Period, but need not include any months in the Winter Capability Periods. The entity must identify the Specified Winter Months, if any, of the Winter Capability Periods for which it will make the commitment.

[40.13.11.1.2.2](#)~~25.7.11.1.2.2~~ The commitment must be for the same number of MW for each month of the Summer Capability Period (“Summer Non-Contract CRIS MW”), and the same number of MW for all Specified Winter Months (“Winter Non-Contract CRIS MW”). The Winter Non-Contract CRIS MW level must be less than or equal to the Summer Contract CRIS MW level.

[40.13.11.1.2.3](#)~~25.7.11.1.2.3~~ An entity holding External CRIS Rights under a Non-Contract Commitment must offer the committed capacity (a) in at least one of the following NYCA auctions: the Capability Period Auction, the Monthly Auction or the ICAP Spot Market Auction, or (b) through a certified and scheduled Bilateral Transaction (as such terms not defined in this Attachment ~~HH~~[HHS](#) are defined in the [ISO](#) Services Tariff). The Summer Non-Contract CRIS MW must be offered for every month of the Summer Capability Period, and the Winter Non-Contract CRIS MW must be offered for every Specified Winter Month (if any).

[40.13.11.1.2.4](#)~~25.7.11.1.2.4~~ Notwithstanding other capacity mitigation measures that may apply, the offers to sell Installed Capacity into an auction submitted pursuant

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

to this Non-Contract Commitment will be subject to an offer cap for each month of the Summer Capability Periods and each Specified Winter Month. This offer cap will be determined in accordance with the provisions contained in Section 5.12.2.4 of the [ISO](#) Services Tariff.

[40.13.11.1.3](#)~~25.7.11.1.3~~ Failure to Meet Commitment

If an entity fails to certify or offer the full number of Contract CRIS MW or Non-Contract CRIS MW in accordance with the terms stated above, in Sections [\[40.13.11.1.1\]](#)~~25.7.11.1.1~~ and [\[40.13.11.1.2\]](#)~~25.7.11.1.2~~, the entity shall pay the ISO an amount equal to 1.5 times the Installed Capacity Spot Auction Market Clearing Price for the month in which either the capacity under Non-Contract Commitment was not offered or the Contract Commitment to supply ICAP was not certified (“Supply Failure”), times the number of MW committed under the Non-Contract or Contract Commitment but not offered.

[40.13.11.1.3.1](#)~~25.7.11.1.3.1~~ Within a given Award Period and each subsequent renewal of an Award Period pursuant to Section [\[40.18.2.4\]](#)~~25.9.3.2.2~~ herein, for the first three instances of a Supply Failure, no additional actions will be taken. Upon the fourth instance within the Award Period or the fourth instance within a subsequent renewal period of a Supply Failure, the associated External CRIS Rights will be terminated in their entirety with no ability to renew. Entities that had External CRIS Rights terminated may reapply for External CRIS in accordance with Section [\[40.13.1.4.2\]](#)~~25.7.11.1.4.2~~ below. Nothing in this Section [\[40.13.1.3\]](#)~~25.7.11.1.3~~ shall be construed to limit or diminish any provision in the Market Power Mitigation Measures or the Market Monitoring Plan.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.13.11.1.4~~25.7.11.1.4~~ **Obtaining External CRIS Rights**

An entity making a Contract Commitment or Non-Contract Commitment of External Installed Capacity may obtain External CRIS Rights for a specified number of MW of External Installed Capacity in one of two different ways, either (i) by converting MW of grandfathered deliverability rights over the External Interface with Quebec (via Chateauguay), or (ii) by having its specified MW of External Installed Capacity evaluated in a Cluster Study~~Class Year~~ Deliverability Study, both as described herein.

40.13.11.1.4.1~~25.7.11.1.4.1~~ **One-Time Conversion of Grandfathered Rights.** An entity can request to convert a specified number of MW pursuant to the conversion process established in Section 5.12.2.3 of the ISO Services Tariff.

40.13.11.1.4.2~~25.7.11.1.4.2~~ **Class Year Deliverability Study.** An entity may seek to obtain External CRIS Rights for its External Installed Capacity by requesting that its External Installed Capacity be evaluated for deliverability in a~~the Open~~ Cluster Study Process~~ass Year~~. To make such a request an entity must provide to the ISO a completed External CRIS Rights Request stating whether it is making a Contract Commitment or Non-Contract Commitment, the number of MW of External Installed Capacity to be evaluated, and the specific External Interface(s). ~~The first Class Year Deliverability Study to evaluate requests for External CRIS Rights will be that for Class Year 2010.~~ After the ISO receives a completed External CRIS Rights Request, an entity making a Contract Commitment or Non-Contract Commitment that satisfies the requirements of Section [40.13.11.1]~~25.7.11.1~~ of this Attachment HHS will be eligible to proceed, as follows:

Commented [A3]: NYISO Comment: NYISO reviewing consolidating External CRIS Rights Request rules with new CRIS-Only Request form/rules.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.13.11.1.4.2.1~~25.7.11.1.4.2.1~~ The entity is made a Cluster Study~~Class Year~~ Project when the ISO receives the entity's executed ~~Class Year Interconnection Facilities~~Cluster Study Agreement for External Installed Capacity] and all required data and the full deposit.

40.13.11.1.4.2.2~~25.7.11.1.4.2.2~~ The entity's MW of External Installed Capacity covered by its bilateral contract(s) or, in the case of a Non-Contract Commitment the number of MW committed by the entity, are evaluated for deliverability within the Rest of State Capacity Region. The entity's External Installed Capacity is not subject to the NYISO Minimum Interconnection Standard. The ISO will determine whether the requests for External CRIS Rights within a given Cluster Study~~Class Year~~ exceed the import limit, established pursuant to ISO procedures, for the applicable External Interface that is in effect on the start date of the Phase 1 Study~~Class Year Start Date~~ when combined, to the extent not already reflected in the import limit, with the following: (1) awarded External CRIS Rights at the same External Interface, (2) Grandfathered External Installed Capacity Agreements listed in Attachment E of the ISO Installed Capacity Manual at the same External Interface, and (3) the Existing Transmission Capacity for Native Load listed for New York State Electric & Gas Corporation in Table 3 of Attachment L to the ISO OATT (applies to the PJM interface only) ("Combined Total MW"). In addition to the other requirements stated herein, External CRIS Rights will only be awarded to the extent that the Combined Total MW does not exceed the import limit, as described above.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.13.11.1.4.2.3](#)~~25.7.11.1.4.2.3~~ The [Cluster Study](#)~~Class Year~~ Deliverability Study report will include an SDU Project Cost Allocation and a Deliverable MW number for the entity's External Installed Capacity.

[40.13.11.1.4.2.4](#)~~25.7.11.1.4.2.4~~ The entity will have the same decision alternatives as other [Cluster Study](#)~~Class Year~~ Projects participating in the [Cluster Study](#) Deliverability Study only. That is, the entity may either (a) accept its SDU Project Cost Allocation, (b) decline its SDU Project Cost Allocation and accept its Deliverability MW figure, or (c) decline both its SDU Project Cost Allocation and its Deliverable MW. If the entity does decline both its SDU Project Cost Allocation and its Deliverable MW, the entity's External Installed Capacity will be removed from the [Cluster Study](#)~~Class Year~~ Deliverability Study. ~~Once removed from the then current Class Year Deliverability Study, the entity can request for its External Installed Capacity to be evaluated again for deliverability in a subsequent Class Year Deliverability Study that is open at the time of its request.~~

[40.13.11.1.4.2.5](#)~~25.7.11.1.4.2.5~~ If the entity accepts its SDU Project Cost Allocation, it must [pay cash or provide Security for](#)~~fund, or commit to fund~~ the SDU upgrades, like any other [Cluster Study](#)~~Class Year~~ Project.

[40.13.11.1.4.2.6](#)~~25.7.11.1.4.2.6~~ If the entity accepts its SDU Project Cost Allocation and [pays cash or posts Security](#)~~funds or commits to fund~~ the SDU upgrades as required by this Attachment [HHS](#), the entity must also execute and fulfill agreement(s) with the ISO and the Connecting Transmission Owner and any

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Affected Transmission Owner to cover the engineering, procurement and construction of the SDUs [pursuant to Section \[40.21\]](#).

[40.13.11.1.4.2.7](#)~~25.7.11.1.4.2.7~~ By the end of the Initial Decisional ~~Round~~[Period of the Final Decision Period](#) (i.e., 30 days from Operating Committee approval of the [Cluster Study](#)~~Class-Year~~ Deliverability Study), an entity making a Contract Commitment and accepting either its SDU Project Cost Allocation or Deliverable MW quantity, must provide specific contract and resource information to the ISO. Unless entities are supplying External Installed Capacity as Control Area System Resources, requests for External Installed Capacity shall be resource-specific. Entities are permitted to substitute resources located in the same External Control Area. Such substitutions shall be subject to review and approval by ISO consistent with ISO Procedures and deadlines specified therein.

[40.13.11.1.4.2.8](#)~~25.7.11.1.4.2.8~~ If the entity satisfies the requirements described in this Section [\[40.13.11.1.4\]](#)~~25.7.11.1.4~~, the entity will obtain External CRIS Rights for the number of MW determined to be deliverable, made deliverable through an SDU (with an accepted SDU Project Cost Allocation), or deemed deliverable through a commitment to pay for an SDU.

[40.13.12](#)~~25.7.12~~ Cost Allocation for Highway System Deliverability Upgrades

[40.13.12.1](#)~~25.7.12.1~~ If the portion of the Highway System Deliverability Upgrades (measured in MW) required to make one or more [Cluster Study](#) CRIS Projects in a [Cluster Study](#)~~Class-Year~~ deliverable is ninety percent (90%) or more of the total size (measured in MW) of the System Deliverability Upgrades, each [Interconnection Customer](#)~~Developer~~(s) of ~~such a~~ [Cluster Study](#)~~Class-Year~~ CRIS

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Project(s) will be responsible for its pro rata Cluster~~Class Year~~ share of one hundred percent (100%) of the cost of the System Deliverability Upgrades.

40.13.12.2~~25.7.12.2~~ If the portion of the System Deliverability Upgrades required to make one or more Cluster Study CRIS Projects in a Cluster Study~~Class Year~~ deliverable is less than 90% of the total size (measured in MW) of the Highway System Deliverability Upgrade, the Interconnection Customer~~Developer~~(s) will be required to pay or commit to pay for a percentage share of the total cost of the Highway System Deliverability Upgrades equal to the estimated percentage megawatt usage by the Class Year CRIS Project of the total megawatts provided by the System Deliverability Upgrades. Other generators or Cluster Study ~~Class Year~~-Transmission Projects in the current Cluster Study~~Class Year~~ Deliverability Study may share in the cost of these System Deliverability Upgrades, on the same basis. Projects in the current Cluster Study~~Class Year~~ Deliverability Study will not be allocated all of the cost of these System Deliverability Upgrades. The rest of the cost of these System Deliverability Upgrades will be allocated to Load Serving Entities and subsequent Interconnection Customers~~Developers~~, as described in this Section [40.13.12]~~25.7.12~~. The Interconnection Customer~~Developer~~ may either (1) make a cash payment of its proportionate share of the upgrade, which will be held by the Connecting Transmission Owner and Affected Transmission Owner(s) in interest-bearing account(s); or (2) post Security (as defined in this Attachment HH~~S~~) meeting the commercially reasonable requirements of the Connecting Transmission Owner and Affected Transmission Owner(s) for the Interconnection Customer~~Developer~~'s

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

proportionate share of the cost of the upgrade. The amount(s) of cash or Security that an Interconnection Customer~~Developer~~ must provide to its Connecting Transmission Owner and any Affected Transmission Owners will be included in the Cluster Study~~Class-Year~~ Deliverability Study report. If the Interconnection Customer~~Developer~~ chooses to provide Security, its allocated cost will be increased by an annual construction-focused inflation index. The Interconnection Customer~~Developer~~ will update its Security on an annual basis to reflect this increase. Except for this adjustment for inflation, the cost allocated to the Interconnection Customers~~Developers~~ will not be increased if the estimated cost of the Highway System Deliverability Upgrade increases. However, the costs allocated to subsequent Interconnection Customers~~Developers~~ will be based on a current cost estimate of the Highway System Deliverability Upgrade project.

40.13.12.3~~25.7.12.3~~ If requesting CRIS, the generator or Cluster Study~~Class-Year~~ Transmission Project will be considered deliverable, and eligible to become a qualified Installed Capacity Supplier or to receive Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights, as applicable and subject to eligibility requirements in the ISO Procedures, when the Project associated with the CRIS request is in service, provided the Interconnection Customer~~Developer~~ has paid its share of the total cost of System Deliverability Upgrades necessary to support the requested CRIS level, or made a satisfactory commitment to do so. Highway System Deliverability Upgrades--where the System Deliverability Upgrades are below the 90% threshold discussed in Section [40.13.12.2]~~25.7.12.2~~ above--will be constructed and funded either (i) according

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

to Sections [\[40.13.12.3.1\]](#)~~25.7.12.3.1~~ and [\[40.13.12.3.2\]](#)~~25.7.12.3.2~~ below, or (ii) according to Section [\[40.13.12.3.3\]](#)~~25.7.12.3.3~~ below.

[40.13.12.3.1](#)~~25.7.12.3.1~~ When a threshold of 60% of the most current cost estimate of the System Deliverability Upgrade has been paid or posted as Security by [Interconnection Customers](#)~~Developers~~, the Highway System Deliverability Upgrade will be built by the Transmission Owner that owns the facility to be upgraded. If the facility to be constructed will be entirely new, construction should be completed by the Transmission Owner that owns or controls the necessary site or right of way. If no Transmission Owner(s) has such control, construction should be completed by the Transmission Owner in whose Transmission District the facility would be constructed. If the upgrade crosses multiple Transmission Districts, each Transmission Owner will be responsible for the portion of the upgrade in its Transmission District~~;~~ ~~and~~~~;~~

[40.13.12.3.2](#)~~25.7.12.3.2~~ The actual cost of the Highway System Deliverability Upgrade project above that paid for by [Interconnection Customers](#)~~Developers~~ will be funded by Load Serving Entities, using the rate mechanism contained in Schedule 12 of the ISO OATT. Load Serving Entity funding responsibility for the Highway System Deliverability Upgrade will be allocated among Load Serving Entities based on their proportionate share of the ICAP requirement in the statewide capacity market, adjusted to subtract their locational capacity requirements~~;~~~~—~~~~Provided, however~~, Load Serving Entities will not be responsible for actual costs in excess of their share of the final Class Year estimated cost of the Highway System Deliverability Upgrade if the excess results

*IITF February 16, 2024 Working Draft
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from causes, as described in Section [\[40.16.2.4\]](#)~~25.8.6.4~~ of this Attachment [HHS](#), within the control of a Transmission Owner(s) responsible for constructing the Highway System Deliverability Upgrade.~~:-of~~

[40.13.12.3.3](#)~~25.7.12.3.3~~ If the ~~NY~~ISO triggers a transmission project under the Reliability Planning Process, selects a transmission project under the Short-Term Reliability Process, selects a transmission upgrade under the Public Policy Transmission Planning Process, or results in a Regulated Economic Transmission Project being approved under the Economic Planning Process (collectively “CSPP transmission upgrade”) and the CSPP transmission upgrade requires construction of a transmission facility that provides the same or greater transfer limit capability as the Highway facility identified as a Highway System Deliverability Upgrade to be constructed earlier than would be the case pursuant to Section [\[40.13.12.3.1\]](#)~~25.7.12.3.1~~, the CSPP transmission upgrade will be constructed as determined in the CSPP or the Short-Term Reliability Process, as applicable. Funds collected from [Interconnection Customers](#)~~Developers~~ (pursuant to Section [\[40.13.12.2\]](#)~~25.7.12.2~~, above) will be used to cover a portion of the regulated solution costs to the extent that the funds collected from [Interconnection Customers](#)~~Developers~~ were collected for System Deliverability Upgrades that are actually constructed by the regulated solution. To the extent this is true, these funds originally collected (or posted as Security) for System Deliverability Upgrades will be used as an offset to the total CSPP transmission upgrade cost, with the remainder of the upgrade cost to be allocated per the requirements of the CSPP, as set forth in Section 31.5 of Attachment Y to the ISO OATT, or the

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Short-Term Reliability Process, as set forth in Section 38.22 of Attachment FF to the ISO OATT.

To the extent funds collected from Interconnection Customers~~Developers~~ for System Deliverability Upgrades are insufficient to cover the entire cost of the CSPP transmission upgrades, the Interconnection Customers~~Developers~~' contribution to the System Deliverability Upgrades allocated to the CSPP transmission upgrades will not exceed the Interconnection Customers~~Developers~~' respective Project Cost Allocations for the System Deliverability Upgrade. To the extent funds collected from Interconnection Customers~~Developers~~ for System Deliverability Upgrades exceed the cost of the CSPP transmission upgrades, the funds collected for the System Deliverability Upgrades will be allocated to the CSPP transmission upgrade pro rata with the Interconnection Customers~~Developers~~' contribution to the System Deliverability Upgrades, and excess funds or Security for System Deliverability Upgrades above the cost of the CSPP transmission upgrade will be returned to the Interconnection Customers~~Developers~~.

40.13.12.4~~25.7.12.4~~ If an Interconnection Customer~~Developer~~ has accepted its Project Cost Allocation, the Interconnection Customer may elect before the construction of an identified Highway System Deliverability Upgrade ~~for a Highway~~ is commenced, ~~if a Developer elects~~ to be retested for deliverability by entering a Cluster Study ~~it may request to be placed in the then Open Class Year~~. The Interconnection Customer~~Developer~~'s cost responsibility for System Deliverability Upgrades shall not increase as a result of such retesting. It may

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

decrease or be eliminated. If the Interconnection Customer~~Developer~~'s Project is found to be deliverable without the System Deliverability Upgrades previously identified, the Affected System Operator, Affected Transmission Owner, or Connecting Transmission Owner will terminate Interconnection Customer~~Developer~~'s Security posting ~~will be terminated~~, or will return the Interconnection Customer~~Developer~~'s cash payment ~~will be returned~~ with the interest earned.

40.13.12.5~~25.7.12.5~~ When the Highway System Deliverability Upgrades are placed in to Commercial Operation and any resulting Incremental TCCs related to the Highway System Deliverability Upgrade become effective in accordance with Section 19.2.4 of Attachment M of the ISO OATT, an Interconnection Customer~~Developer~~ electing to receive its proportionate share of such Incremental TCCs, as further described in Section [40.13.2.2]~~25.7.2.2~~ of this Attachment HHS, will receive its proportionate share of such Incremental TCCs.

40.13.12.5.1~~25.7.12.5.1~~ Load Serving Entities required by this Section [40.13.12]~~25.7.12~~ to fund a portion of the costs of a Highway System Deliverability Upgrade will receive the corresponding financial value of any Incremental TCCs related to the System Deliverability Upgrade held by the Transmission Owner(s) responsible for constructing the Highway System Deliverability Upgrade, as further described in Section [40.13.2.2]~~25.7.2.2~~ of this Attachment HHS. The corresponding financial value of any such Incremental TCCs will be accounted for in determining the applicable Highway Facilities Charge in accordance with Schedule 12 of the ISO OATT. The eligibility of the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Load Serving Entities to the financial value of any Incremental TCCs related to the System Deliverability Upgrade held by the Transmission Owner(s) responsible for constructing the Highway System Deliverability Upgrade shall commence as of the date such Incremental TCCs become effective in accordance with Section 19.2.4 of Attachment M to the OATT and continue until the earlier of: (i) the expiration of any such Incremental TCCs; or (ii) the termination of the obligation of the Load Serving Entities to fund a portion of the costs of the Highway System Deliverability Upgrade.

40.13.12.6~~25.7.12.6~~ As new generators, ~~and~~ Class Year Transmission Projects, and Cluster Study Transmission Projects come on line and use the Headroom on System Deliverability Upgrades created by a prior Highway System Deliverability Upgrade, the Interconnection Customers~~Developers~~ of those new facilities will reimburse the prior Interconnection Customers~~Developers~~ or will compensate the Load Serving Entities who funded the System Deliverability Upgrades for use of the Headroom created by the prior Interconnection Customers~~Developers~~ and Load ~~Saving~~ Serving Entities in accordance with Sections [40.17.1.4]~~25.8.7~~ and [40.17.1.5]~~25.8.8~~ of these rules.

40.13.12.6.1~~25.7.12.6.1~~ In accordance with Section [40.13.2.2]~~25.7.2.2~~ of this Attachment HHS, as subsequent Interconnection Customers~~Developers~~ make Headroom payments to prior Interconnection Customers~~Developers~~ and if a subsequent Interconnection Customer~~Developer~~ elects to receive its proportionate share of any Incremental TCCs related to the Highway System Deliverability Upgrade, such Incremental TCCs will be transferred to the subsequent

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Interconnection Customers~~Developers~~; provided, however, that Incremental TCCs that were previously deemed reserved and are transferred to a subsequent Interconnection Customer~~Developer~~ will become effective on the first day of the Capability Period that commences following the next Centralized TCC Auction conducted after the subsequent Interconnection Customer~~Developer~~ makes the necessary Headroom payment and elects to receive its proportionate share of Incremental TCCs.

40.13.12.6.2~~25.7.12.6.2~~ In accordance with Section [40.13.2.2]~~25.7.2.2~~ of this Attachment HHS, as subsequent Interconnection Customers~~Developers~~ compensate Load Serving Entities for use of their Headroom by providing any such Headroom payments to the Transmission Owner(s) responsible for constructing a Highway System Deliverability Upgrade and if a subsequent Interconnection Customer~~Developer~~ elects to receive its proportionate share of any Incremental TCCs related to the Highway System Deliverability Upgrade, such Incremental TCCs will be transferred to the subsequent Interconnection Customer~~Developer~~.

40.13.12.7~~25.7.12.7~~ The Transmission Owner responsible for constructing a System Deliverability Upgrade or an Interconnection Customer~~Developer~~ contributing toward the cost of a System Deliverability Upgrade can elect to construct upgrades that are larger and/or more expensive than the System Deliverability Upgrades identified to support the requested level of CRIS for the Cluster Study~~Class Year~~-CRIS Project in the Cluster Study~~Class Year~~-Deliverability Study, provided that those upgrades are reasonably related to the Cluster Study~~Class~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~Year~~ Project. The party electing to construct the larger upgrade will pay for the incremental cost of the upgrade; i.e., the difference in cost between the cost of the System Deliverability Upgrades as determined by these rules, and the cost of the larger and/or more expensive upgrade.

40.13.13~~25.7.13~~ ~~Engineering, Procurement and Construction~~ Agreements for the Engineering, Procurement, and Construction of System Deliverability Upgrades

40.13.13.1 If a System Deliverability Upgrade on the Connecting Transmission Owner's system is cost allocated to an Interconnection Customer~~Developer~~ and such Interconnection Customer~~Developer~~ accepts its SDU Project Cost Allocation and pays cash or post Security for~~fund or commits to fund~~ the System Deliverability Upgrade, the Standard Interconnection Agreement among the Interconnection Customer~~Developer~~, Connecting Transmission Owner, and ISO will provide for the engineering, procurement and construction of such System Deliverability Upgrade.

40.13.13.2 If a System Deliverability Upgrade on an Affected System is cost allocated to an Interconnection Customer~~Developer~~ and such Interconnection Customer~~Developer~~ accepts its SDU Project Cost Allocation and pays cash or post Security for~~fund or commits to fund~~ the System Deliverability Upgrade, the ISO shall tender to the Interconnection Customer~~Developer~~ and Affected System Operator a Standard Upgrade Construction Agreement in accordance with the requirements in Section [40.21] to this Attachment HH~~will cooperate with the ISO in development of an Engineering, Procurement and Construction Agreement~~ to provide for the engineering, procurement and construction of the System Deliverability Upgrades on the Affected System.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.13.13.3 If a System Deliverability Upgrade is cost allocated to ~~a Developer or~~ multiple Interconnection Customers~~Developers~~ and multiple Interconnection Customers~~Developers~~ accept their SDU Project Cost Allocation and pays cash or posts Security for the fund or commit to fund such System Deliverability Upgrades ~~as required by Attachment S,~~ the ISO shall tender to the Interconnection Customer(s)~~Developers, Connecting Transmission Owner(s),~~ and as applicable, Affected System Operator or Connecting Transmission Owner, a Standard Multiparty Upgrade Construction Agreement ~~Transmission Owner(s) will cooperate with the ISO in development of an Engineering, Procurement and Construction Agreement to~~ provide for the engineering, procurement and construction of the System Deliverability Upgrades ~~on the Affected System.~~

~~The Engineering, Procurement and Construction Agreement shall be consistent with the NYISO's Commission approved Standard Large Generator Interconnection Agreement located in Appendix 2 to Attachment X of the OATT, modified to address only the engineering, procurement and construction of the System Deliverability Upgrades. The Parties to such agreement will use Reasonable Efforts to complete and execute the agreement, or submit the agreement unexecuted to the Commission, within six (6) months of the ISO's tender of the agreement.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.14~~25.5.10~~ Additional SDU Studies

[*]

Commented [A1]: NYISO Comment: NYISO reviewing Additional SDU Study rules in OATT Att. S 25.5.10 for alignment with new process steps/timeframes.

IITF February 16, 2024 Working Draft
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40.15 Final Decision Period / Additional SDU Study Decision Period

Commented [A1]: NYISO Comment: Section 40.15 of OATT Attachment HH based on Section 25.8.1 to 25.8.4 of OATT Attachment S.

25.8.1 Maximum Requested CRIS and Project Cost Allocation Figures

Commented [A2]: NYISO Comment: Relocated and incorporated into the Interconnection Service rules in 40.5 of Att. HH.

~~Starting with the Class Year subsequent to Class Year 2012, each Developer entering a Class Year Study or Expedited Deliverability Study whose Project is not yet In Service will specify an Interconnection Service evaluation election and provide an updated Initial Feedback In Service Date and Commercial Operation Date (subject to the limitations set forth in Sections 30.3.3.1 and 30.4.4.5 of Attachment X) when it completes a Class Year Study Agreement or Expedited Deliverability Study Agreement. For Large Facilities and Small Generating Facilities that are required to enter a Class Year Study pursuant to Section 32.3.5.3.2 of Attachment Z to the ISO OATT, in the Class Year Study Agreement, must elect to be evaluated for ERIS. Any Project entering a Class Year Study may request CRIS. If the Developer elects to be evaluated for CRIS, the maximum requested MW level of CRIS is as follows:~~

- ~~(i) if the Class Year Project is a BTM:NG Resource, it can elect to be evaluated for ERIS alone, or both ERIS and some MW level of CRIS, not to exceed its Net ICAP;~~
- ~~(ii) if the Class Year Project is a Resource with Energy Duration Limitations, the requested MW level of CRIS cannot exceed the minimum of the following: (a) its expected maximum injection capability in MW for the Developer selected duration; (b) the nameplate capacity of the Project (i.e., injection capability of the Project expressed in MW); or (c) the sum of the Project's requested and existing ERIS, as applicable;~~
- ~~(iii) if the Class Year Project is a request for External to ROS Deliverability Rights, it can request a MW level of CRIS, not to exceed the increase in transfer capability~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

created by its associated Class Year Transmission Project, as demonstrated in the Project's System Reliability Impact Study.

- ~~(iv)~~ if the Class Year Project is a facility comprised of multiple units of the same or different technology type, the requested MW level of CRIS must be requested at the facility level (i.e., corresponding to the Project as described in the Interconnection Request or revised Interconnection Request, as applicable), subject to the limitations below. The MW level of CRIS for a Project comprised of multiple Generators (e.g., Co-located Storage Resource or single technology facility with multiple units, each proposed to be assigned a single PTID) will be determined at the facility (i.e., Project) level and shall be allocated among the multiple Generators, as requested by Developer (to the extent permissible under Section 25.8.1 of this Attachment S). **The Project's CRIS and allocation of CRIS among its units, as applicable, will be specified by ISO in the Class Year Deliverability Study report approved by the ISO Operating Committee. The MW level of CRIS requested by the Developer cannot exceed the minimum of the following: (a) the expected maximum injection capability in MW for the Project as described in the Interconnection Request, as revised if applicable, including all co-located Generators sharing the same injection limit (e.g., entire Distributed Energy Resource, entire Co-located Storage Resource or entire multi-unit single technology resource); provided however, if the Project includes a Resource with Energy Duration Limitation, its expected maximum injection capability in MW is limited by the Developer-selected duration); (b) the nameplate capacity of the Project (i.e., collective injection capability of all units within the proposed Project**

Commented [A3]: NYISO Comment: Relocated and incorporated material in this section to CRIS rules in Article 40.5 and Phase 2 Study section.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

expressed in MW); or (c) the sum of facility's requested and existing ERIS, as applicable; and

- (v) ~~If the above subsections do not apply to the Class Year Project, the requested MW level of CRIS cannot exceed the nameplate capacity of the Project.~~

~~If the Class Year Project is existing and/or already interconnected taking ERIS, the Class Year Project will be evaluated for a MW level of CRIS specified by the Developer, not to exceed the permissible levels of CRIS that may be requested pursuant to this Section 25.8.1. For existing facilities proposing a modification to add a Generator of the same or different technology co-located at the same Point of Interconnection for which the Developer requests CRIS, the collective CRIS of the resources within what will be the modified facility (e.g., the resulting Co-located Storage Resource or Distributed Energy Resource) cannot exceed the injection limit of the co-located units. For a Project that requests CRIS for part of a multi-unit facility, after combining with another existing or proposed co-located facility, the requested MW level of CRIS for cannot exceed the permissible levels of CRIS that may have been requested pursuant to this Section 25.8.1 for the entire co-located facility.~~

40.15.1 ISO Provision of Description and Project Cost Allocation of CTOAFs, SUFs, and SDUs

~~Based on the Class Year Project's Interconnection Service evaluation elections, on the Annual Transmission Reliability Assessment update of Interconnection System Reliability Impact Study results, and on the results of the Class Year Deliverability Study,~~ The ISO staff shall, ~~in accordance with these rules,~~ provide the Interconnection Customer ~~Developer~~ of each Cluster Study Project ~~included in the then current Class Year~~ with a dollar figure for its share of the cost of the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and System Upgrade Facilities required for the reliable interconnection of the Project to the New

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

York State Transmission System (“CTOAF and ~~SUF~~ Project Cost Allocation”). The ISO shall also provide ~~each the Interconnection Customer of Class-Year Developer~~ each Cluster Study Project requesting CRIS with (i) a dollar figure for its share of the cost of the System Deliverability Upgrades required for the megawatt level of CRIS requested for the Cluster Study ~~Class-Year~~ Project (“SDU Project Cost Allocation”), and (ii) the number of megawatts of Installed Capacity, if any, that are deliverable from the Cluster Study ~~Class-Year~~ Project with no new System Deliverability Upgrades (“Deliverable MW”). The ISO shall also provide a dollar figure for the total cost of the Connecting Transmission Owner’s Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades required for interconnection of the Cluster Study ~~Class-Year~~ Project, as well as a description of the required Connecting Transmission Owner’s Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades, their expected in-service date, and a plan for their installation that is sufficient to verify these dollar figures. The ISO shall also provide a dollar figure for the total cost of all Connecting Transmission Owner’s Attachment Facilities, Distribution Upgrades, and System Upgrade Facilities required by Projects in the ~~Class-Year~~ Cluster Study and a dollar figure for the total cost of the System Deliverability Upgrades necessary to support the level of CRIS requested by each Cluster Study ~~Class-Year Project Developer~~. Each Cluster Study Project ~~Class-Year Developer~~ will be given the Project Cost Allocation(s) and, Deliverable MW, if any associated with its Interconnection Service evaluation election, as soon as practicable prior to the submittal of the Cluster Project ~~Annual Transmission Reliability~~ Assessment and Cluster Study ~~Class-Year~~ Deliverability Study to the Operating Committee.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

**40.1525.8.2 Decision Rounds in the Final Decision PeriodPeriods for the
ClusterClass-Year Study and the Additional SDU Study Decision Period
for the Additional SDUDeliverability Study**

40.15.2.1 Each Interconnection Customer shall provide notice to the ISO, in writing and via electronic mail, stating whether it shall accept (an “Acceptance Notice”) or not accept (a “Non-Acceptance Notice”) the Project Cost Allocation(s) and Deliverable MW, if any, reported to it by the ISO for its Cluster Study Project:

(i) ~~W~~within thirty (30) eCalendar dDays – the Initial Decision Round – following, as applicable, (1) approval of the final Cluster ProjectAnnual-Transmission Reliability Assessment and Cluster StudyClass-Year Deliverability Study by the Operating Committee (collectively the “Clusterass-Year Study Reports”); or (2) approval of the final Additional SDU Study report by the Operating Committee when such approval is prior to completion of the ClusterAnnual Transmission Baseline Assessment study cases for the following ClusterClass-Year Study, ~~(each such 30-calendar day period to be referred to as the “Initial Decision Period” for the respective study), or~~

(ii) if applicable, within seven (7) eCalendar dDays – the Subsequent Decision Round – following the ISO’s issuance of a revised ClusterClass-Year Study report or a revised Additional SDU Study report, as applicable, and accompanying Revised Project Cost Allocation and revised Deliverable MW report, as defined in and pursuant to Section [40.1525.8.3] ~~(a “Subsequent Decision Period”), if applicable, each Developer shall provide notice to the ISO, in writing and via electronic mail, stating whether it shall accept (an “Acceptance Notice”) or not accept (a “Non-Acceptance Notice”) the Project Cost Allocation(s) and Deliverable MW, if any, reported to it by the ISO for its Class-Year Project.~~

40.15.2.2 An Interconnection Customer~~Developer~~ for a Cluster StudyClass-Year Project that is a multi-unit facility may not submit separate notices for separate portions of the

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Cluster Study~~Class Year~~ Project (e.g. a Cluster Study~~Class Year~~ Project that is a Co-located Storage Resource may not submit an Acceptance Notice for one of its resources and a Non-Acceptance Notice for the co-located resource).

40.15.2.3 Failure to notify the ISO by the prescribed deadline as to whether an Interconnection Customer~~Developer~~ accepts or rejects its Project Cost Allocation and Deliverable MW, if any, will be deemed a Non-Acceptance Notice. Each Interconnection Customer~~Developer~~ may respond with either an Acceptance Notice or a Non-Acceptance Notice to each Project Cost Allocation and Deliverable MW reported to it by the ISO. ~~Starting with Class Year 2012, a~~ An Acceptance Notice for Projects not yet ~~In-S~~in-Service must also include a confirmed Initial Feedback~~In-Service~~ Date and Commercial Operation Date, subject to the limitations set forth in Section ~~[40.6.3.4]~~30.4.4.5 of Attachment X.

40.15.2.4 An Interconnection Customer~~Developer in its first Class Year Study~~ that requests to be evaluated for CRIS may accept both its SDU Project Cost Allocation and its CTOAF and SUF Project Cost Allocation. Alternatively, that Interconnection Customer~~Developer~~, if it accepts its CTOAF and SUF Project Cost Allocation, may provide a Non-Acceptance Notice for its SDU Project Cost Allocation and at the same time accept, or not accept its Deliverable MW. Or, as another alternative, that same Interconnection Customer~~Developer~~ may elect to interconnect taking ERIIS by providing an Acceptance Notice only for its CTOAF and SUF Project Cost Allocation.

40.15.2.5 An Interconnection Customer~~Developer~~ that accepts an CTO and SUF Project Cost Allocation and/or an SDU Project Cost Allocation will not be provided with the option to accept a Revised Project Cost Allocation following a Subsequent Decision Round~~Period~~ unless the Revised Project Cost Allocation provides for (1) an increase of greater

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

than ten percent (10%) in the CTO and SUF Project Cost Allocation or the SDU Project Cost Allocation; or (2) a decrease in the Interconnection Customer~~Developer~~'s Deliverable MW.

40.15.2.6 An Interconnection Customer~~Developer~~ in an Additional SDU Study that has not completed when the Initial Decision Round~~Period~~ of the Final Decision Period for the Cluster~~Class Year~~ Study has commenced may, in the Initial Decision Round~~Period~~ or Subsequent Decision Round~~Period~~ for the Cluster Study~~Class Year~~ in which the Additional SDU Study was triggered, (1) accept its CTOAF and SUF Project Cost Allocation and proceed with its Additional SDU Study; (2) reject its CTOAF and SUF Project Cost Allocation and be withdrawn from both the Cluster~~Class Year~~ Study and the Additional SDU Study; or (3) wait until the Initial Decision Round~~Period~~ of the Final Decision Period that commences pursuant to this Section [40.15.25.8.2.1] upon completion of the Additional SDU Study to provide an Acceptance Notice or Non-Acceptance Notice for its CTOAF and SUF Project Cost Allocation and SDU Project Cost Allocation; *provided, however*, that pursuant to this Section [40.15.25.8.2], no Initial Decision Round~~Period~~ for a Final Decision Period will be triggered by an Additional SDU Study that is ongoing at the time the ISO completes the Cluster~~Annual Transmission~~ Baseline Assessment study cases for the subsequent Cluster~~Class Year~~ Study. The CTOAF and SUF Project Cost Allocation and any ~~d~~Deliverable MW identified in the Cluster~~Class Year~~ Study for an Interconnection Customer~~Developer~~ in an Additional SDU Study that elects not to accept its CTOAF and SUF Project Cost Allocation with its Cluster Study~~Class Year~~, but that elects to wait until the Initial Decision Round~~Period~~ of the Final Decision Period that commences pursuant to this Section [40.15.25.8.2.1] upon completion of the Additional SDU Study, will be revised in light of the final Cluster Study~~Class Year~~ project cost allocation decisions (i.e., the CTOAF and SUF Cost Allocation and ~~d~~Deliverable MW, if any, may change between the Initial

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Decision ~~Round Period~~ of the Final Decision Period for the ~~Cluster Study Class Year~~ and the Initial Decision ~~Round Period~~ of the Additional SDU Study Decision Period for the Additional SDU Study).

40.15.2.7 As soon as practicable following the end of the Initial Decision ~~Round Period~~ and any Subsequent Decision ~~Round Period~~, as applicable, but not later than two (2) ~~Business~~ ~~Days~~ following the end of such decision ~~round period~~, the ISO shall report to the Operating Committee, all of the ~~Acceptance~~ Notices and Non-Acceptance Notices that were received during that decision ~~round period~~. ~~Starting with Class Year 2012, consistent with Section 30.4.4.5 of Attachment X, for~~ ~~80~~ any Project that fails to provide a confirmed ~~Initial Feedback In-Service~~ Date and Commercial Operation Date in its Acceptance Notice or that provides a proposed ~~Initial Feedback In-Service~~ Date or Commercial Operation Date with its Acceptance Notice that is beyond the time period permissible by Section ~~[40.6.3.4]~~ ~~30.4.4.5 of Attachment X~~, the ISO's ~~Interconnection Queue~~ will reflect the latest possible permissible date, even if that requires the ISO to reject and modify the proposed ~~Initial Feedback In-Service~~ Date or Commercial Operation Date provided in the ~~Cluster Study Class~~ Project's Acceptance Notice. Subsequent modifications to a Project's ~~Initial Feedback In-Service~~ Date or Commercial Operation Date are governed by Section ~~[40.6.3.4]~~ ~~30.4.4.5.2 of Attachment X~~.

40.15.2.8 ~~25.8.2.1~~ — If, following the Initial Decision ~~Round Period~~ or any Subsequent Decision ~~Round Period~~, each and every ~~Interconnection Customer-Developer~~ that remains eligible at that time provides Acceptance Notice(s), each ~~Interconnection Customer-Developer~~ must signify its willingness to pay the Connecting Transmission Owner and Affected Transmission Owner(s) for its share of the required ~~Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Deliverability Upgrades that it accepted by (i) satisfying Headroom payment/security posting obligations, if any, as specified in Section [\[40.17.1.5\]](#)~~25.8.7.6~~ and (ii) -paying cash or posting Security ~~(as hereinafter defined)~~ in accordance with these rules, for the full amount of its respective Project Cost Allocation within [five \(5\)](#) ~~b~~[Business](#) ~~d~~[Days](#) after the end of the Initial Decision ~~Round~~[Period](#) or Subsequent Decision ~~Round~~[Period](#), as applicable. ~~“Security” means a bond, irrevocable letter of credit, parent company guarantee or other form of security from an entity with an investment grade rating, executed for the benefit of the Connecting Transmission Owner and Affected Transmission Owner(s), meeting the requirements of these cost allocation rules, and meeting the respective commercially reasonable requirements of the Connecting Transmission Owner and Affected Transmission Owner(s).~~ Security shall be posted to cover the period ending on the date on which full payment is made to the Connecting Transmission Owner, [Affected Transmission Owner, or Affected System Operator, as applicable](#) for the [Connecting Transmission Owner’s Attachment Facilities, Distribution Upgrades, and](#) System Upgrade Facilities, and the date(s) on which full payment is made to the Connecting Transmission Owner or Affected Transmission Owner(s) for the System Deliverability Upgrades; *provided, however*, that Security may be posted with a term as short as one year, so long as such Security is replaced no later than [fifteen \(15\)](#) ~~b~~[Business](#) ~~d~~[Days](#) before its stated expiration. In the event Security is not replaced as required in the preceding sentence, the Connecting Transmission Owner, ~~or an Affected Transmission Owner,~~ [or Affected System Operator,](#) ~~in the case of Security for System Deliverability Upgrades,~~ shall be entitled to draw upon the Security and convert it to cash, which cash shall be held by the Connecting Transmission Owner or Affected Transmission Owner for the account of the ~~Interconnection Customer Developer.~~ The round [of the Final Decision Period or Additional SDU Study Decision Period, as applicable,](#) in which no remaining eligible

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Interconnection Customers~~Developers~~ issue a Non-Acceptance Notice or commits a Security Posting Default shall be the final round for that Cluster Study~~Class Year~~ or Additional SDU Study (the “Final Decision Round”).

40.15.2.9~~25.8.2.2~~ At the end of the Initial Decision Round~~Period~~ or any Subsequent Decision Round~~Period~~, if one or more of the Interconnection Customers~~Developers~~ with Cluster Study Projects participating in that decision period ~~in the Class Year~~ provides Non-Acceptance Notice (such event a “Non-Acceptance Event”), then the Interconnection Customer of every Cluster Study Project participating in that round~~Developer in the Class Year~~ shall be relieved of its obligation to pay cash or post Security in connection with that version of its Project Cost Allocation for ~~both~~ Connecting Transmission Owner’s Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades. In addition, following the Initial Decision Round~~Period~~ or any Subsequent Decision Round~~Period~~, if all Interconnection Customers~~Developers~~ for Cluster Study Projects participating in the round ~~Class Year~~ provide Acceptance Notices under the Cluster Study~~Class Year~~ Deliverability Study, the ~~ATRC~~CPA or both, but one or more of the Interconnection Customer~~Developers~~ fails to pay cash or post the Security required hereunder (such event a “Security Posting Default”), then the beneficiaries of the payments and Security posted by the Interconnection Customers~~Developers~~ that did pay or post Security (e.g., the Connecting Transmission Owners and Affected Transmission Owners) shall surrender the cash and posted Security to the respective Interconnection Customers~~Developers~~ immediately. The Connecting Transmission Owners or Affected Transmission Owner(s) shall not make any draws or encumbrances on any cash or posted Security unless and until cash has been paid and Security has been posted by all

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Interconnection Customer~~Developer~~ that issued Acceptance Notices in the Final Decision Round.

40.15.2.10~~25.8.2.3~~ Following the Initial Decision Round~~Period~~, or any Subsequent Decision Round~~Period~~, if a Non-Acceptance Event or a Security Posting Default shall have occurred with respect to the ~~ATR~~CPA, the ISO will withdraw the Interconnection Customer~~Developer~~ that provided the Non-Acceptance Notice or committed the Security Posting Default with respect to the~~its~~ CTOAF and SUF Project Cost Allocation from the Cluster Study and the Queue pursuant to Section [40.6.4] and subject to the Withdrawal Penalties set forth in Section [40.6.5]~~will be removed by the ISO from the then-current Class Year Study~~. If an Interconnection Customer~~Developer~~ provides an Acceptance Notice and posts the required Security for the~~its~~ CTOAF and SUF Project Cost Allocation for its Cluster Study Project, or has done so in a prior Class Year Interconnection Facilities Study or Cluster Study, but provides a Non-Acceptance Notice with respect to the~~its~~ SDU Project Cost Allocation for its Cluster Study Project, it may provide an Acceptance Notice for its Deliverable MW and interconnect taking CRIS at that level. If the Interconnection Customer~~Developer~~ either (i) provides a Non-Acceptance Notice with respect to both the~~its~~ SDU Project Cost Allocation and ~~its~~ Deliverable MW for its Cluster Study Project, or (ii) commits a Security Posting Default with respect to the~~its~~ SDU Project Cost Allocation for its Cluster Study Project, then that Cluster Study Project Developer, the ISO shall ~~be removed~~ the Interconnection Customer from the Class Year Deliverability Study or Additional SDU Study, as applicable, but, if in the Cluster~~Class Year~~ Study, it may continue to participate in the ~~ATR~~CPA and interconnect taking ERIS if the Interconnection Customer~~it~~ provides an Acceptance Notice and posts the required Security for its CTOAF and SUF Project Cost Allocation. The Interconnection Customer~~Developer~~ electing to

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

interconnect taking ERIIS may later request, any number of times, to enter a Cluster~~Class-Year~~ Study or Expedited Deliverability Study and be evaluated for CRIS, subject to the Cluster~~Class-Year~~ Study entry requirements set forth in Section [40.5.4] and the Expedited Deliverability Study entry requirements set forth in Section [40.19.2]~~25.5.9~~ of this Attachment HHS. The Interconnection Customer's Cluster Study Project~~Developer will not be~~ may not request to be re-evaluated for ERIIS. Once a Cluster Study Project is evaluated for CRIS in a later Cluster~~Class-Year~~ or Expedited Deliverability Study, the Interconnection Customer~~Developer~~ for that project may elect to accept either its SDU Project Cost Allocation or its Deliverable MW, or the Interconnection Customer~~Developer~~ may provide a Non-Acceptance Notice for both its SDU Project Cost Allocation and its Deliverable MW and continue its interconnection taking ERIIS. If the Interconnection Customer~~Developer~~ does provide a Non-Acceptance Notice for both the~~its~~ SDU Project Cost Allocation and Deliverable MW for its Cluster Study Project and continues taking ERIIS, the Interconnection Customer~~Developer~~ may later request for its Cluster Study Project to enter a Cluster~~Class-Year~~ Study or Expedited Deliverability Study, subject to the Cluster~~Class-Year~~ Study entry requirements set forth in Section [40.5.4] and Expedited Deliverability Study entry requirements set forth in Section [40.19.2]~~25.5.9~~ of this Attachment HHS, and be evaluated again for CRIS. If, however, an Interconnection Customer~~Developer~~ provides a Non-Acceptance Notice or commits a Security Posting Default for the~~its~~ CTOAF and SUF Project Cost Allocation for the Cluster Study Project, that Cluster Study~~Class-Year~~ Project shall be removed from both the ATR~~CPA~~ and, if applicable, the Class Year Deliverability Study, and the ISO shall withdraw that Interconnection Customer~~Developer~~'s Interconnection Request will be~~pursuant to Section [40.6.4] and subject to the Withdrawal Penalties set forth in Section [40.6.5]~~processed further in accordance with Section 25.6.2.3 above.~~~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~40.15.2.11~~~~25.8.2.4~~ Whenever Projects are removed from an ~~Cluster Project~~~~Annual Transmission Reliability~~ Assessment, ~~Cluster Study~~~~Class-Year~~ Deliverability Study, ~~or~~ Additional SDU Study, ~~or Expedited Deliverability Study~~, the ISO staff will notify the remaining ~~Interconnection Customers~~~~Developers~~ still included in the ~~Cluster Project~~~~Annual Transmission Reliability~~ Assessment, ~~Cluster Study~~~~Class-Year~~ Deliverability Study, ~~or~~ Additional SDU Study, ~~or Expedited Deliverability Study~~, as applicable.

~~40.15~~~~25.8.3~~ **Revised Study Results**

Immediately following receipt of Non-Acceptance Notices for any SDU Project Cost Allocations or ~~CTOAF and~~ SUF Project Cost Allocations or Deliverable MW, or upon the occurrence of a Security Posting Default, the ISO shall update the ~~Cluster~~~~Class-Year~~ Study results or Additional SDU Study results for those remaining ~~Interconnection Customers~~~~Developers~~ that continue to be included in the then-current ~~Cluster Project~~~~Annual Transmission Reliability~~ Assessment, ~~Cluster Study~~~~Class-Year~~ Deliverability Study, or Additional SDU Study, as applicable, to reflect the impact of Non-Acceptance Notices and any Security posting Default. The updated ~~Cluster~~~~Class-Year~~ Study or Additional SDU Study, as applicable, shall include updated ~~CTOAF and~~ SUF Project Cost Allocations and updated SDU Project Cost Allocations (each a “Revised Project Cost Allocation”) together with a revised Deliverable MW report. The updated ~~Cluster~~~~Class-Year~~ Study shall be issued as soon as practicable, but in no event later than ~~fourteen (14) eCalendar d~~Days following the occurrence of the Non-Acceptance Event or the Security Posting Default that necessitated development of the Revised Project Cost Allocations and revised Deliverable MW report. The ISO shall also provide the additional dollar figures relating to total cost for ~~Interconnection Customers~~~~Developers~~ in the ~~Cluster~~~~Class-Year~~ Study or Additional SDU Study, as applicable,

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

and the related information, described in Section [\[40.15.1\]](#)~~25.8.1~~, above. Following the issuance of the revised [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment, [Cluster Study](#)~~Class Year~~ Deliverability Study, or Additional SDU Study, as applicable, and the issuance of Revised Project Cost Allocations and the revised Deliverable MW, each remaining [Interconnection Customer](#)~~Developer~~ shall provide notice to the ISO within [seven \(7\) eCalendar d](#)~~D~~ays whether it will accept its respective Revised Project Cost Allocation and revised Deliverable MW.

[40.15.4](#)~~25.84~~ Completion of [Final Decision Period/Additional SDU Study Decision Period](#)~~Class Year Decision Process~~ and Refund of Interconnection Customer's Deposits

[40.15.4.1](#) The process set forth in Sections [\[40.15.2\]](#)~~25.8.2~~ through [\[40.15.3\]](#)~~25.8.3~~ shall be repeated until none of the remaining eligible [Interconnection Customers](#)~~Developers~~ in the [Cluster](#)~~Class Year~~ Study or Additional SDU Study, as applicable, provides a Non-Acceptance Notice or commits a Security Posting Default.

[40.15.4.2](#) After the ISO's final reconciliation of the Interconnection Customer's costs incurred in the Cluster Study Process pursuant to Section [\[40.24.3\]](#) and Interconnection Customer's payment of all invoices, the ISO will **proceed with the return and cancellation process in Section [\[40.24.3\]](#) for the** Study Deposit and Readiness Deposit 2 if:

(i) an Interconnection Customer for a Cluster Study Project accepts its CTOAF and SUF Project Cost Allocation and pays cash or posts Security for that allocated amount in the Final Decision Round of, as applicable, the Final Decision Period or Additional SDU Study Decision Period;

(ii) an Interconnection Customer for a CRIS-Only Cluster Study Project accepts its SDU Project Cost Allocation and pays cash or posts Security for that allocated amount in the Final

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Decision Round of, as applicable, the Final Decision Period or Additional SDU Study Decision Period, or

(iii) an Interconnection Customer for a Cluster Study Project or CRIS-Only Cluster Study Project participated in an Additional SDU Study that was not completed in the Cluster Study Process pursuant to Section [40.14.2] and the Interconnection Customer's project is a Contingent Project in the subsequent Cluster Study Process.

40.15.5 Withdrawal Penalties

40.15.5.1 If: (i) an Interconnection Customer withdraws the Interconnection Request or CRIS-Only Request for its Cluster Study Project, or the Interconnection Request or CRIS-Only Request for its Cluster Study Project is deemed withdrawn, from the ISO's Queue during the Phase 2 Study, the Final Decision Period, the Additional SDU Study, or the Additional SDU Study Decision Period;

(ii) an Interconnection Customer does not accept the CTOAF and SUF Project Cost Allocation for its Cluster Study Project or does not pay cash or post Security for the allocated amount in, as applicable, the Final Decision Period or Additional SDU Study Decision Period; or

(iii) an Interconnection Customer does not accept the SDU Project Cost Allocation for its CRIS-Only Cluster Study Project or does not pay cash or post Security for the allocated amount in, as applicable, the Final Decision Period or Additional SDU Study Decision Period.

then the **Interconnection Customer** for the Cluster Study Project shall pay a Withdrawal Payment in an amount equal to one hundred percent (100%) of the initial Study Deposit amount for the project and twenty percent (20%) of the Readiness Deposit 2 for the project; except for the following:

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

(A) a CRIS-Only Cluster Study Project shall only pay a Withdrawal Penalty in the amount of one hundred percent (100%) of its initial Study Deposit amount;

(B) if the ISO determined that the Cluster Study Project cannot move forward due to Physical Infeasibility pursuant to Section [40.7.3], then the Cluster Study Project shall not be assessed a Withdrawal Penalty;

(C) if the Interconnection Request or CRIS-Only Request was for a Contingent Project that was withdrawn by the ISO pursuant to Section [40.5.4.1.3], then the Interconnection Request or CRIS-Only Request shall not be assessed a Withdrawal Penalty; and

(D) if the CTOAF and SUF Project Cost Allocation amount is greater than 50% higher than the amount determined in Phase 1 for the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and System Upgrade Facilities required for the Cluster Study Project, then the Cluster Study Project shall only pay a Withdrawal Penalty in the amount of one hundred percent (100%) of its initial Study Deposit amount and shall not pay a Withdrawal Penalty based on any of its Readiness Deposit 2.

40.15.5.2 The ISO shall invoice, and Interconnection Customer shall pay, for any Withdrawal Penalty as set forth in Section [40.24.3].

40.15.5.3 The ISO shall apply the collected Withdrawal Penalty Funds pursuant to Section [40.6.5].

40.16 Forfeiture of Security/ Future Cost Responsibility

40.16.1 ~~25.8.5~~ **Forfeiture of Security**

40.16.1.1 With the exception of the requirement in Section [40.15.2.9] that cash and Security shall be surrendered back to the issuing Interconnection Customer~~Developer~~ in connection with another Interconnection Customer~~Developer~~'s Security Posting Default, once an Interconnection Customer~~Developer~~ has accepted a~~the~~ Project Cost Allocation(s) or Revised Project Cost Allocation(s) ~~[appropriate for its Interconnection Service election]~~ in the Final Decision Round of the Final Decision Period or Additional SDU Study Decision Period, as the case may be, and paid cash~~and posted Security~~ or posted Security for that amount, such cash payment and Security shall be irrevocable and shall be subject to forfeiture as provided herein in the event that the Interconnection Customer~~Developer~~ that paid cash~~and posted Security~~ or posted the Security subsequently terminates or abandons development of its Project. Any cash and Security previously posted on a terminated Project will be subject to forfeiture to the extent necessary to defray the cost of the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades, or Network Upgrades required for other projects evaluated in a Class Year Study, Cluster Study under this Attachment HH, or in a study performed under OATT 3. 7, OATT 3.9, or Attachment P to the OATT, the base cases of which included the Interconnection Customer's Project and its associated Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades~~the Projects included in the Annual Transmission Reliability Assessment, Class Year Deliverability Study, or Additional SDU Study~~, as applicable, as determined by the ISO upon withdrawal of the Interconnection Customer's Project, but only as described in Section [40.16.3] below.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.16.1.2 Security for Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades constructed by the Interconnection Customer~~Developer~~ (i.e., facilities for which the Interconnection Customer~~Developer~~ elects the option to build or constructs with the agreement of the Connecting Transmission Owner or Affected Transmission Owner); shall be reduced after discrete portions of the ~~System Upgrade F~~ facilities have been completed, such reductions to be based on cost estimates from the Cluster~~Class Year~~ Study, subject to: (i) review by the Connecting Transmission Owner or Affected Transmission Owner with which Security is posted, ~~and subject to~~ (ii) transfer of ownership to the Connecting Transmission Owner or Affected Transmission Owner, as applicable of all subject property, free and clear of any liens, ~~and as well as~~ (iii) transfer of title and any transferable equipment warranties reasonably acceptable to the Connecting Transmission Owner or Affected Transmission Owner with which Security is posted.

40.16.1.3 For Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades constructed by the Connecting Transmission Owner or Affected Transmission Owner, Security shall be reduced after discrete portions of the ~~System Upgrade F~~ facilities have been completed by the Transmission Owner and paid for by the Interconnection Customer~~Developer~~, on a dollar-for-dollar basis for payments made to the Connecting Transmission Owner or Affected Transmission Owner pursuant to an E&P Agreement or Standard Interconnection Agreement, subject to the Connecting Transmission Owner's or Affected Transmission Owner's review and approval.

40.16.2 No Interconnection Customer Responsibility for Future Upgrades

Once an Interconnection Customer has posted Security for its share of the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and System Upgrade

Commented [A1]: NYISO Comment: Moved from Section 40.18 (existing Att. S Section 25.9.2)

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Facilities required for its project, and paid cash or posted Security for its share of the System Deliverability Upgrades required for its project, then, except as provided in Section [40.16.3] of these rules, that Interconnection Customer has no further responsibility for the cost of additional Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades that may be required in the future.

40.16.2.1 The Project interconnection agreement executed between an Interconnection Customer and its Connecting Transmission Owner will reflect the Interconnection Customer's responsibility for the cost of new Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities and System Deliverability Upgrades, as that responsibility has been determined in accordance with these rules.

40.16.2.2 The cost of those additional Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades needed for future interconnection projects will be shared between future Interconnection Customers and Transmission Owners, and allocated among future Interconnection Customers, in accordance with the rules.

40.16.3~~225.8.6~~ Interconnection Customer~~Developer~~'s Future Cost Responsibility

Once an Interconnection Customer~~Developer~~, (i) for a Class Year Project or Cluster Study Project, has accepted a Project Cost Allocation or Revised Project Cost Allocation, as the case may be, in the Final Decision Round of the Final Decision Period or Additional SDU Study Decision Period, as applicable, and paid cash ~~or~~and posted Security ~~or posted Security~~ for that amount, (ii) for a Small Generating Facility, has accepted its cost allocation and paid cash or posted security pursuant to Section 32.3.5.7 of Attachment Z to the OATT, or (iii) has accepted

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

revised costs estimates identified in a Cost Estimate Update and provided cash or posted Security in the revised amount in accordance with Section [40.6.3.5.3.3], then the accepted figure caps the Interconnection Customer~~Developer~~'s maximum potential responsibility for the cost of Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades required for its Project, except as discussed below.

~~40.16.3.1~~~~25.8.6.1~~ If: (i) the portion of the Highway System Deliverability Upgrades required to make the Interconnection Customer~~Developer~~'s generator, ~~or~~ Class Year Transmission Project, or Cluster Study Transmission Project deliverable is less than 90% of the total size of the Highway System Deliverability Upgrade identified for the Interconnection Customer~~Developer~~'s Project, and (ii) Interconnection Customer~~the Developer~~ elects to commit to pay for its proportionate share of the Highway System Deliverability Upgrade by posting Security instead of paying cash, then the Interconnection Customer~~Developer~~'s allocated cost of the Highway System Deliverability Upgrade will be increased during the period of construction deferral by application of a construction inflation adjustment, as discussed in Section ~~[40.13.12.2]~~~~25.7.12.2~~ of these rules. When deferred construction of the Highway System Deliverability Upgrade commences, the Interconnection Customer~~Developer~~ will be responsible for actual costs in excess of the secured amount only when the excess results from changes to the operating characteristics of the Interconnection Customer~~Developer~~'s Project. If the portion of the System Deliverability Upgrades for a Highway System Deliverability Upgrade required to make one or

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

more generators or Class Year Transmission Projects, or Cluster Study
Transmission Projects ~~in a Class Year~~ deliverable is ninety percent (90%) or more
of the total size (measured in MW) of the System Deliverability Upgrades,
construction is not deferred, and those Interconnection Customer~~Developers~~ will
be responsible for actual costs in excess of the secured amount in accordance with
the rules in Sections [40.16.3.2]~~25.8.6.2~~ and [40.16.3.4]~~25.8.6.4~~ of this
Attachment HHS.

40.16.3.2~~25.8.6.2~~ If the actual cost of the Interconnection Customer~~Developer~~'s
share of required Connecting Transmission Owner's Attachment Facilities,
Distribution Upgrades, System Upgrade Facilities, or System Deliverability
Upgrades is less than the agreed-to and secured amount, the Interconnection
Customer~~Developer~~ is responsible only for the actual cost figure.

40.16.3.3~~25.8.6.3~~ If the actual cost of the Interconnection Customer~~Developer~~'s
share of required Connecting Transmission Owner's Attachment Facilities,
Distribution Upgrades, System Upgrade Facilities, or System Deliverability
Upgrades would be greater than the agreed-to and secured amount because other
Projects have been expanded, accelerated, otherwise modified, or terminated,
including Transmission Projects evaluated pursuant to Attachment P to the ISO
OATT and their required upgrades, as identified pursuant to Attachment P to the
ISO OATT, then the Interconnection Customer~~Developer~~ is responsible only for
the agreed-to and secured amount for its Project. The additional cost is covered
by the Interconnection Customers~~Developers~~ of the modified Projects, in
accordance with these cost allocation rules, or by the drawing on the cash that has

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

been paid and the Security that has been posted for terminated Projects, depending on the factors that caused the additional cost. Forfeitable cash and Security will be drawn on only as needed for this purpose, and only to the extent that the terminated Project associated with that Security has caused additional cost.

40.16.3.4~~25.8.6.4~~ If the actual cost of the Interconnection Customer~~Developer~~'s share of required Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, or System Deliverability Upgrades is greater than the agreed-to and secured amount because of circumstances that are not within the control of the Connecting Transmission Owner or Affected Transmission Owner(s) (such as, for example: ~~-(i)~~ changes to the design or operating characteristics of the Project that impact the scope or cost of related Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, or System Deliverability Upgrades; (ii) any costs that were not within the scope of the Class Year Study, Cluster Study, or Additional SDU Study, as applicable, that subsequently become known as part of the final construction design, including costs related to detailed design studies such as electro-magnetic transient analyses and subsynchronous resonance analyses; or (iii) cost escalation of materials or labor, or changes in the commercial availability of physical components required for construction), the cost cap shall be adjusted by any such amount, and the Interconnection Customer~~Developer~~ or the Load Serving Entity will pay the additional costs to the Connecting Transmission Owner or Affected Transmission Owner(s) as such

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

costs are incurred by each of them. However, to the extent that some or all of the excess cost is due to factors within the control of the Connecting Transmission Owner or the Affected Transmission Owner(s) (such as, for example, additional construction man-hours due to Connecting Transmission Owner or the Affected Transmission Owner(s) management, or correcting equipment scope deficiencies due to Connecting Transmission Owner or the Affected Transmission Owner(s) oversights), then that portion of the excess cost will be borne by the Connecting Transmission Owner or the Affected Transmission Owner(s). Disputes between the [Interconnection Customer](#)~~Developer~~ and the Connecting Transmission Owner [or Affected Transmission Owner](#) concerning costs in excess of the agreed-to and secured amount will be resolved by the parties in accordance with the terms and conditions of their interconnection [or construction](#) agreement. ~~Disputes between the Developer and an Affected Transmission Owner will be resolved in accordance with Section 30.13.5 of the LFIP, or Section 32.4.2 of Attachment Z, as applicable.~~

40.17.25.8.7 Headroom Accounting

Commented [A1]: NYISO Comment: Relocated Att. S Section 25.8.7 to Attachment HH.

40.17.1 Headroom Accounting

If, pursuant to these rules, an Interconnection Customer~~Developer~~, Connecting Transmission Owner, Affected Transmission Owner, Affected System Operator, or Load Serving Entity (each an “Entity”) pays for any Distribution Upgrades, System Upgrade Facilities or System Deliverability Upgrades, or for any Attachment Facilities or Distribution Upgrades that are later determined to be Distribution Upgrades, System Upgrade Facilities or System Deliverability Upgrades, that create “Headroom”, and pays for the Headroom that is created, then that Entity will be paid the depreciated cost of that Headroom by the Interconnection Customer~~Developer~~ of any subsequent Project that interconnects and uses the Headroom within the applicable period of time following the creation of the Headroom, as specified in Section [40.17.4.3 25.8.7.4.3] herein. The ISO will depreciate Headroom cost in accordance with Section [40.17.3 25.8.7.3] herein.

40.17.1.1 25.8.7.1 Interconnection Customers~~Developers~~ of terminated Projects who have paid for Headroom with forfeited cash or Security instruments, as well as Interconnection Customers~~Developers~~ of completed Projects who have paid for Headroom, will be repaid in accordance with these rules.

40.17.1.2 25.8.7.2 The Interconnection Customer~~Developer~~ of the subsequent Project shall pay the prior Entity as soon as the cost responsibilities of the subsequent Interconnection Customer~~Developer~~ are determined in accordance with these rules. In the case of Headroom created by Load Serving Entity funding Highway System Deliverability Upgrades pursuant to Schedule 12 of the ISO OATT, the Interconnection Customer~~Developer~~ of the subsequent Project shall pay the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Connecting Transmission Owner, and any Affected Transmission Owner(s) or Affected System Operator, that are receiving or will receive Load Serving Entity funding for the Highway System Deliverability Upgrades pursuant to Schedule 12 of the ISO OATT. Upon receipt of the Interconnection Customer's ~~Developer~~ Headroom payment, the Connecting Transmission Owner and any Affected Transmission Owner(s) or Affected System Operator, will make the rate adjustment(s) called for by Section 6.12.4.1.3 of Schedule 12 of the ISO OATT.

40.17.1.3.1 ~~25.8.7.3~~ The ISO will determine the depreciated cost of the Distribution Upgrades, System Upgrade Facilities and/or System Deliverability Upgrades associated with the Entity -created Headroom using one of the following two methods:

40.17.1.3.1 ~~25.8.7.3.1~~ In all cases except the case of Highway System Deliverability Upgrades funded by Load Serving Entities pursuant to Schedule 12 of the ISO OATT, the ISO will use the FERC-approved depreciation schedule applied to comparable facilities by the Connecting Transmission Owner or the applicable Affected Transmission Owner or Affected System Operator. The ISO will depreciate the Headroom cost annually, starting with the year when the Headroom account is first established.

40.17.1.3.2 ~~25.8.7.3.2~~ In the case of Highway System Deliverability Upgrades funded by Load Serving Entities pursuant to Schedule 12 of the ISO OATT, the ISO will use the FERC-approved depreciation schedule applied to the particular Highway System Deliverability Upgrades by the Connecting Transmission Owner or the applicable Affected Transmission Owner or Affected System Operator pursuant

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

to Schedule 12 of the ISO OATT. The ISO will depreciate the Headroom cost annually, starting with the year the Highway System Deliverability Upgrade is placed in service. If a Cluster Study~~Class Year~~ Deliverability Study or Additional SDU Study determines that a Interconnection Customer~~Developer~~ in such study uses Headroom on such a Highway System Deliverability Upgrade before the Highway System Deliverability Upgrade has been placed in service, the ISO will calculate the Headroom use payment obligation of the Interconnection Customer~~Developer~~ using the undepreciated cost of the Headroom.

40.17.1.4~~25.8.7.4~~ Entity-created Headroom will be measured by the ISO in accordance with these rules. The use that a subsequent Project makes of Entity-created Headroom will also be measured by the ISO in accordance with these rules.

40.17.1.4.1~~25.8.7.4.1~~ In the case of Headroom on Distribution Upgrades, System Upgrade Facilities that have an excess functional capacity not readily measured in amperes or other discrete electrical units, the use that each subsequent Project makes of the Entity-created Headroom will be measured solely by using the total number of Projects in the current and prior Cluster Studies and Class Years needing or using the System Upgrade Facility.

40.17.1.4.1.1~~25.8.7.4.1.1~~ The use that each Project in a subsequent Cluster Study~~Class Year~~ makes of Headroom on such a Distribution Upgrade or System Upgrade Facility will be measured as an amount equal to $(1/b)$, where “b” is the total number of Projects in all prior and current Cluster Studies and Class Years using the System Upgrade Facility.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.17.1.4.1.2~~25.8.7.4.1.2~~ Each Interconnection Customer~~Developer~~ in a subsequent Cluster Study~~Class Year~~ that uses Headroom on such a Distribution Upgrade or System Upgrade Facility will make a Headroom payment to all prior Interconnection Customers~~Developers~~ that have previously made payments for that Distribution Upgrade or System Upgrade Facility, both the prior Interconnection Customers~~Developers~~ that have previously made Headroom payments and the Interconnection~~Developers~~ in the first Class Year or Cluster Study, as applicable, that paid for the original installation of the Distribution Upgrade or System Upgrade Facility. The amount of the Headroom payment to each prior Interconnection~~Developer~~ that each Interconnection Customer~~Developer~~ in a subsequent Cluster Study~~Class Year~~ must make for its use of Headroom on such a Distribution Upgrade or System Upgrade Facility will be an amount equal to $c/(b) \times d$, where “c” is the depreciated cost of the Distribution Upgrade or System Upgrade Facility at the time of the subsequent Cluster~~Class Year~~ Study, “b” is the total number of Projects in all prior and current Class Years and Cluster Studies using the Distribution Upgrade or System Upgrade Facility, and “d” is the total number of Projects in all the prior Class Years and Cluster Studies that have previously made payments for the Distribution Upgrade or System Upgrade Facility, both Headroom payments and payments for original installation.

40.17.1.4.2~~25.8.7.4.2~~ In the case of Distribution Upgrades, System Upgrade Facilities or System Deliverability Upgrades that have an excess capacity readily measured in amperes or other discrete electrical units, the use the subsequent Project makes of

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

the Entity-created Headroom will be measured in terms of the electrical impact of the subsequent Project, as that electrical impact is determined by the ISO in accordance with these rules.

40.17.1.4.3~~25.8.7.4.3~~ The ISO will publish accounts showing the Headroom for each Interconnection Customer~~Developer~~ and other Entities, and will update those accounts to reflect the impact of subsequent Projects. With the exception of Headroom on Highway System Deliverability Upgrades funded by Load Serving Entities pursuant to Schedule 12 of the ISO OATT, the ISO will close the Headroom account of an Entity when the electrical values in the account are reduced to zero or when ten years have passed since the establishment of the account, whichever occurs first.

40.17.1.4.3.1~~25.8.7.4.3.1~~ In the case of Headroom on Highway System Deliverability Upgrades funded by Load Serving Entities pursuant to Schedule 12 of the ISO OATT, the ISO will close the Headroom account of the Load Serving Entity when the MW value in the account is reduced to zero, or at the end of the useful financial life of the Highway System Deliverability Upgrades, whichever occurs first.

40.17.1.4.4~~25.8.7.4.4~~ If a subsequent Interconnection Customer~~Developer~~ uses up all the Headroom of an earlier Entity, and also triggers the need for a new Distribution Upgrade, System Upgrade Facility or System Deliverability Upgrade, then the subsequent Interconnection Customer~~Developer~~ will pay the Connecting Transmission Owner, ~~or~~ Affected Transmission Owner, or Affected System Operator for the new Distribution Upgrade, System Upgrade Facility or System

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Deliverability Upgrade, but will not pay the earlier Entity for the Headroom used up or the account extinguished. However, the earlier Entity will get a new Headroom account and a pro rata share of the Headroom in the new [Distribution Upgrade](#), System Upgrade Facility or System Deliverability Upgrade purchased by the subsequent [Interconnection Customer Developer](#). The economic value of this pro rata share will be equal to the economic value of the earlier Entity's Headroom account that was extinguished by the subsequent [Interconnection Customer Developer](#).

~~25.8.7.5 — For Class Years 2001 and 2002, the ISO shall account for Headroom as provided by the Non Financial Settlement. Developers in Class Year 2002 shall reimburse Class Year 2001 Developers in accordance with the terms of the Non Financial Settlement.~~

~~40.17.1.5~~^{25.8.7.6} The [Interconnection Customer Developer](#) of the subsequent Project shall pay the prior Entity within the five (5) business day period specified in Section ~~[40.15.2.8]~~^{25.8.2.4} of this Attachment [HHS](#). Headroom obligations related to a [Distribution Upgrade or](#) System Upgrade Facility that has been fully constructed must be satisfied by cash payment. ~~Starting with Class Year 2012,~~
~~a~~^A All remaining Headroom obligations may be satisfied by a form of "Headroom Security" – a bond, irrevocable letter of credit, parent company guarantee or other form of security from an entity with an investment grade rating, executed for the benefit of the prior Entity, meeting the requirements of these cost allocation rules, and meeting the respective commercially reasonable requirements of the prior Entity. Headroom Security shall be posted to cover the period ending on the date

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

on which full payment is made to the prior Entity for the Headroom obligation; *provided, however,* that Headroom Security may be posted with a term as short as one year, so long as such Headroom Security is replaced no later than fifteen (15) business days before its stated expiration. In the event Headroom Security is not replaced as required in the preceding sentence, the prior Entity shall be entitled to draw upon the Headroom Security and convert it to cash, which cash shall be held by the prior Entity for the account of the Interconnection Customer~~Developer~~.

40.17.2.2~~25.8.8~~ Headroom Account Adjustments in the ATCBA

In addition to the adjustments made by the ISO in Headroom accounts to reflect the impact of subsequent Projects, the ISO will make other adjustments to Headroom accounts when preparing for each Cluster~~Annual Transmission~~ Baseline Assessment. The ISO will make these adjustments to reflect the impact of changes in the Existing System Representation modeled for the Cluster~~Annual Transmission~~ Baseline Assessment that result from the installation, expansion or retirement of generation and transmission facilities for load growth and changes in load patterns. Such changes in the Existing System Representation can also result from changes in these rules or the criteria, methods or, software used to apply these rules.

40.17.2.1~~25.8.8.1~~ No compensation will be paid as a result of these changes to the Existing System Representation. However, the ISO will adjust the ratios of dollars to electrical values in each Entity's account to maintain the economic value of the Entity's account that existed before the changes were made in the Existing System Representation.

40.17.2.2~~25.8.8.2~~ The ISO will make no adjustments to Headroom accounts for the impact of subsequent generic solutions, except in those cases where the generic

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

solution is a Cluster Study~~Class Year~~ Project and the adjustment is made to reflect the impact of the Cluster Study~~Class Year~~ Project.

40.17.3~~25.8.9~~ **Rate Base Facilities**

With the exception of Interconnection Customer's~~Developer~~ use of Headroom created by Load Serving Entity funding of Highway System Deliverability Upgrades pursuant to Schedule 12 of the ISO OATT, Interconnection Customers~~Developers~~ are not charged for their use of any rate base facilities, except to the degree applicable as customers taking service in accordance with the rates, if any, that apply to those facilities.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~40.18~~**25.9** ~~Going Forward~~ **CRIS Retention, Expiration, Transfer and External CRIS**

Commented [A1]: NYISO Comment: Relocated Att. S Section 25.9 to Attachment HH.

40.18.1~~25.9.1~~ **ERIS Election and future Evaluation for CRIS**

Whenever an Interconnection Customer~~Developer~~ elects to interconnect taking ERIS only, that Interconnection Customer~~Developer~~ may, at any later date, ask the ISO to evaluate the Interconnection Customer~~Developer~~'s Large Facility or Small Generating Facility for CRIS by applying in accordance with the requirements in this Attachment HH to include~~ing~~ the Interconnection Customer~~Developer~~'s Large Facility or Small Generating Facility in (1) the next Open Cluster Study Process~~ass Year~~ and the Cluster Study Deliverability Study to be conducted for that Cluster Study~~ass Year~~; or (2) the next open Expedited Deliverability Study.

~~25.9.2~~ **No Developer Responsibility for Future Upgrades**

Commented [A2]: NYISO Comment: Relocated to Att. HH Section 40.16.

~~Once a Developer has posted Security for its share of the System Upgrade Facilities required for its project, and paid cash or posted Security for its share of the System Deliverability Upgrades required for its project, then, except as provided in Section 25.8.6 of these rules, that Developer has no further responsibility for the cost of additional Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, and System Deliverability Upgrades that may be required in the future.~~

~~25.9.2.1 The Project interconnection agreement executed between a Developer and its Connecting Transmission Owner will reflect the Developer's responsibility for the cost of new Attachment Facilities, Distribution Upgrades and System Upgrade Facilities and System Deliverability Upgrades, as that responsibility has been determined in accordance with these rules.~~

~~25.9.2.2 The cost of those additional Attachment Facilities, Distribution Upgrades, System Upgrade Facilities and System Deliverability Upgrades needed for future~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~interconnection projects will be shared between future Developers and Transmission Owners, and allocated among future Developers, in accordance with the rules.~~

40.18.2.2~~25.9.3~~ **CRIS Rights**

40.18.2.2~~25.9.3.1~~ **Retaining CRIS Status**

Facilities awarded CRIS pursuant to this Attachment HH~~S~~, as allocated among the facilities' individual units, as applicable, will retain such CRIS to the extent specified in Sections [40.18.2.2]~~25.9.3.2~~ and ~~Section~~ [40.18.2.3]~~25.9.3.3~~ of this Attachment HH~~S~~, regardless of subsequent changes to the transmission system or the transfer of facility ownership. Facilities awarded CRIS pursuant to this Attachment HH~~S~~ that are withdrawn from the ISO's ~~interconnection e~~Queue will not receive any CRIS awarded to the facility through that ~~e~~Queue ~~p~~Position.

40.18.2.2~~25.9.3.2~~ **Full CRIS Termination**

Subject to the requirements set forth in Sections [40.18.2.2.1]~~25.9.3.2.1~~ through [40.18.2.2.2]~~25.9.3.2.2~~ and the subsections therein, CRIS will be terminated in full upon request by the facility owner or due to three continuous years of the facility being CRIS-inactive, except as provided in Sections 5.18.2.3.2, 5.18.3.3.2, and 5.18.5 of the ISO Services Tariff. The effective date of CRIS termination pursuant to this Section [40.18.2.2]~~25.9.3.2~~ will be the date the ISO has completed processing the termination request and provided notice of same to the requesting facility owner.

40.18.2.2.1~~25.9.3.2.1~~ Voluntary termination. A Facility that (a) is Retired or in a Mothball Outage or (b) is in an ICAP Ineligible Forced Outage~~HFO~~, and has been assessed in a STAR or a Generator Deactivation Assessment where the ISO, in coordination with the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Responsible Transmission Owner(s), determined that a Generator Deactivation Reliability Need will not result from the Facility's deactivation, may elect to relinquish its CRIS, before that CRIS would otherwise expire under this Attachment [HHS](#), upon notification to the ISO by submitting its request in accordance with ISO Procedures. Relinquishment of CRIS under this Section [40.18.2.2.1](#)~~25.9.3.2.2~~ may only be in full (*i.e.*, the facility may not elect to relinquish only a portion of its CRIS).

[40.18.2.2.2](#)~~25.9.3.2.2~~ Termination for CRIS-Inactive Facilities. CRIS will terminate in full after three continuous years of being CRIS-inactive, as defined in Section [40.18.2.2.2](#)~~25.9.3.2.2.1~~, except as provided in Sections 5.18.2.3.2, 5.18.3.3.2, and 5.18.5 of the [ISO](#) Services Tariff.

[40.18.2.2.1](#)~~25.9.3.2.2.1~~ For the purpose of the rules in this Section [40.18.2.2.2](#)~~25.9.3.2.2~~, once a facility with CRIS has synchronized, it becomes CRIS-inactive on the last day of the month for which it fails to (i) offer any capacity into ISO capacity auctions, and/or (ii) certify any capacity as an Installed Capacity Supplier through a Bilateral Transaction(s) or Export of capacity to an External Control Area, except as provided in Sections [40.18.2.2.2.1.1](#)~~25.9.3.2.2.1.1~~ and [40.18.2.2.2.1](#)~~25.9.3.2.2.1.2~~ below.

[40.18.2.2.2.1.1](#)~~25.9.3.2.2.1.1~~ A facility that has synchronized before February 29, 2020 and was not CRIS-inactive under the previously-effective rules due to its activity as a load modifier, will be considered CRIS-inactive no earlier than February 29, 2020, based on its activity on and after that date.

[40.18.2.2.2.1.2](#)~~25.9.3.2.2.1.2~~ A facility that has synchronized before February 29, 2020 but never offered capacity into ISO capacity auctions or certified capacity through

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

a bilateral prior to February 29, 2020 will be considered CRIS-inactive no earlier than February 29, 2020, based on its activity on and after that date.

~~40.18.2.2.2~~~~25.9.3.2.2.2~~ In the case of a CRIS-inactive facility, the facility's CRIS terminates three years after the facility becomes CRIS-inactive, except as provided in Sections 5.18.2.3.2, 5.18.3.3.2, and 5.18.5 of the [ISO](#) Services Tariff, unless the CRIS-inactive facility takes one of the following actions before the end of the three-year period: (1) returns to service and participates in an ISO capacity auction or bilateral transactions or (2) transfers CRIS to another facility as permitted by Sections [\[40.18.3.25.9.4\]](#) and [\[40.18.425.9.5\]](#) of this Attachment ~~HH.S~~

~~40.18.2.325.9.3.3~~ **Partial CRIS Termination**

~~40.18.2.3.125.9.3.3.1~~ For a facility other than a facility that has Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights (*i.e.*, generators internal to the NYCA), CRIS utilization is the MW sum for a given month of the Installed Capacity Equivalent of UCAP: (1) offered into ISO capacity auctions; (2) certified through a Bilateral Transaction(s); and (3) exported to an External Control Area. If its CRIS utilization ratio (*i.e.*, ratio of the monthly CRIS utilization to its total applicable seasonal CRIS value) falls at or below 0.9 for every month for three consecutive years, measured on a forward rolling basis from ~~effective date~~[July 3, 2023](#), the facility's CRIS will be reduced to the MW level of its existing CRIS values multiplied by the sum of (1) its maximum utilization ratio for any month within the prior three-year period and (2) 0.05, rounded to the nearest tenth of a MW. For purposes of calculating CRIS utilization pursuant to this Section [\[40.18.2.3.25.9.3.4.1\]](#), any months during which a facility is in a Mothball Outage or ICAP Ineligible Forced Outage are excluded and not

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

considered as part of the three-year period for determining CRIS utilization. If a facility returns to service from a Mothball Outage or an ICAP Ineligible Forced Outage, the three (3)-year period for determining CRIS utilization will not restart, but will resume from the point when the facility entered the Mothball Outage or the ICAP Ineligible Forced Outage. For example, if after two consecutive years of a CRIS utilization ratio at or below 0.9, a facility enters an ICAP Ineligible Forced Outage, the three-year period does not continue during the ICAP Ineligible Forced Outage but resumes the first month the facility is eligible to participate in the ICAP market as determined by Section 5.18.2.2 of the [ISO](#) Services Tariff.

[40.18.2.3.2](#)~~25.9.3.3.2~~ For a facility with CRIS that has Unforced Capacity Deliverability Rights or External-to-ROS Deliverability Rights (“UDR/EDR transmission facility”), if during the three years from the ~~Initial~~-Synchronization Date of the UDR/EDR transmission facility the facility has not demonstrated, consistent with ISO Procedures, that it is capable of delivering MW of Energy to the NYCA interface equivalent to its MW of CRIS, its CRIS MW will be reduced to the maximum MW of Energy the UDR/EDR transmission facility has demonstrated it is capable of delivering to the NYCA interface pursuant to ISO Procedures of any month during this three-year period. For purposes of this Section [\[40.18.2.3.2](#)~~25.9.3.3.2]~~, a UDR/EDR transmission facility is capable of delivering Energy to the NYCA interface if it demonstrates deliverability as required by ISO Procedures to be eligible to sell capacity for a particular month, in accordance with the requirements based on the Control Area where the External Installed Capacity Supplier is electrically located.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.18.2.4~~25.9.3.4~~ **Term of External CRIS Rights**

40.18.2.4.1~~25.9.3.4.1~~ The initial term of External CRIS Rights, whether based on a

Contract or Non-Contract Commitment, will be for an Award Period of no less than five (5) years.

40.18.2.4.2~~25.9.3.4.2~~ An entity holding External CRIS Rights may renew those rights for one or more subsequent terms, as described below:

40.18.2.4.2.1~~25.9.3.4.2.1~~ An entity holding External CRIS Rights based on a Contract Commitment may renew its External CRIS Rights, provided that the ISO receives from the entity a request to renew on or before the date specified in Section 40.18.2.4.2.3~~25.9.3.5.2.3~~ indicating that the entity has renewed its bilateral contract to supply External Installed Capacity for an additional term of no less than five (5) years. If the entity does so, then that entity's External CRIS Rights will be renewed for the same additional term, without any further evaluation of the deliverability of the External Installed Capacity covered by the renewed bilateral contract.

40.18.2.4.2.2~~25.9.3.4.2.2~~ An entity holding External CRIS Rights based on a Non-Contract Commitment may renew its External CRIS Rights, provided that the ISO receives from the entity a request to renew on or before the date specified in Section 40.18.2.4.2.3~~25.9.3.2.2.3~~. Any Non-Contract Commitment renewal must be for an additional term of no less than five (5) years. If the entity does so, then that entity's External CRIS Rights will be renewed for the same additional term, without any further evaluation of the deliverability of the External Installed Capacity associated with the Non-Contract Commitment.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.18.2.4.2.3](#)~~25.9.3.4.2.3~~ Requests for renewal of External CRIS Rights must [comply with ISO Procedures](#) be received by the ISO on or before a date defined by the earlier of: (i) six months prior to the expiration date of the Contract or Non-Contract Commitment, or (ii) one month prior to the [closing of the Application Window](#)~~Study Start Date of the ATRA~~ that is prior to the start of the last Summer Capability Period within the current Award Period or renewal of an Award Period.

[40.18.2.4.3](#)~~25.9.3.4.3~~ External CRIS Rights will terminate at the end of the effective Award Period or renewal of an Award Period if those rights have not been renewed for an additional term, pursuant to the process described above.

[40.18.2.5](#)~~25.9.3.5~~ **CRIS for Facilities Pre-Dating Class Year 2007**

[40.18.2.5.1](#) ~~For Large Facilities and Small Generating~~ Facilities pre-dating Class Year 2007, *i.e.*, facilities interconnected or completely studied for interconnection before the projects in Class Year 2007, the facility shall qualify for CRIS service so long as (i) it is not retired (*e.g.*, identified as retired in a NYISO Load and Capacity Data Report prior to October 5, 2008, (ii) its interconnection agreement is not terminated, and (iii) the facility begins commercial operations within three years of the commercial operation date or comparable commencement date specified in its initial interconnection agreement filing.

[40.18.2.5.2](#) A generator or merchant transmission facility pre-dating Class Year 2007 without an interconnection agreement on October 5, 2008, or one with an initial interconnection agreement filing that does not specify a commercial operation date or any comparable commencement date, shall qualify for CRIS so long as it is not retired (*e.g.*, identified as retired in a NYISO Load and Capacity Data Report) prior to October 5, 2008 and it begins commercial

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

operations within three years of its in-service date specified in the 2008 NYISO Load and Capacity Data Report.

[40.18.2.5.3](#) For generators pre-dating Class Year 2007, the CRIS capacity level will be set at the maximum DMNC level achieved during the five most recent Summer Capability Periods prior to October 5, 2008, even if that DMNC value exceeds nameplate MW.

[40.18.2.5.4](#) For a generator pre-dating Class Year 2007 and not having DMNC levels recorded for five Summer Capability Periods prior to October 5, 2008, its CRIS capacity level will be set, and reset if necessary, at the maximum DMNC level achieved during successive Summer Capability Periods until it has DMNC levels recorded for five Summer Capability Periods. Prior to the establishment of the generator's first DMNC value for a Summer Capability Period, the generator's CRIS level will be set at nameplate MW.

[40.18.2.5.5](#) The CRIS capacity level for intermittent resources pre-dating Class Year 2007 will be set at nameplate MW, and the CRIS capacity level for controllable lines pre-dating Class Year 2007 will be set at the MW of Unforced Capacity Deliverability Rights awarded to them.

[40.18.2.5.6](#) Existing generators that are eligible for CRIS under this Section [40.18.2.5~~25.9.3.3.3~~](#) that wish to obtain CRIS pursuant to this provision must request CRIS within 60 days of May 19, 2016; CRIS cannot be obtained under this Section [\[40.18.2.5~~25.9.3.3.3~~\]](#) if not requested by such date.

[40.18.2.6~~25.9.3.6~~](#) **CRIS for Facilities Not Subject to ISO Interconnection Procedures**

~~Starting May 19, 2016, a~~All facilities that wish to become eligible to participate as Installed Capacity Suppliers pursuant to the requirements of Section 5.12 of the ISO Services

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Tariff, must have CRIS, even if the facility is not or was not, when interconnected, subject to the ISO's interconnection procedures ~~set forth in Attachments X or Z to the OATT~~.

Facilities not subject to the ISO's interconnection procedures ~~set forth in Attachments X and Z to the OATT~~ may obtain CRIS rights by (i) entering a Class Year Deliverability Study and satisfying the NYISO Deliverability Interconnection Standard or (ii) satisfying the requirements set forth in Section 25.9.3.7.1. For a facility subject to this Section 40.18.2.6~~25.9.3.4~~ that has obtained CRIS on or before February 29, 2020, its CRIS will terminate four (4) years after February 29, 2020 if the Interconnection Customer~~Developer~~ has failed to provide notice to the ISO that the facility has synchronized. For a facility subject to this Section 40.18.2.6~~25.9.3.7~~ that obtains CRIS after February 29, 2020, its CRIS will terminate four (4) years after the facility obtains CRIS, if the Interconnection Customer~~Developer~~ fails to provide notice to the ISO that the facility has synchronized.

40.18.2.6.1~~25.9.3.6.1~~ A facility not subject to the ISO's interconnection procedures set forth in the then-applicable Attachments X and Z to the ISO OATT may was eligible to obtain CRIS without being evaluated ~~in a Class Year Deliverability Study under the ISO Deliverability Interconnection Standard~~ if it ~~meets~~met the following requirements (i) if the facility ~~has had~~ not commenced Commercial Operation, it must have completed all required interconnection studies and have had an effective interconnection agreement by May 19, 2016, (ii) if the facility ~~has had~~ commenced Commercial Operation by May 19, 2016, it must have had an effective interconnection agreement and must not have been out-of-service for more than three (3) consecutive years; (iii) ~~it is not or~~ was not, when first interconnected, subject to the ISO's then-applicable interconnection procedures

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

set forth in Attachments X and Z to the [ISO](#) OATT, and (iv) the facility owner must [have](#) ~~requeste~~d CRIS within 60 days of May 19, 2016. The CRIS level for a facility that qualified~~s~~ for CRIS under this Section [\[40.18.2.6.1.25.9.3.7.1\]](#) ~~will~~ ~~be~~[was](#) set in accordance with Section [\[40.18.2.6.1.1\]25.9.3.7.1.1](#) and [40.18.2.6.7.1.225.9.3.7.1.2](#).

[40.18.2.6.1.125.9.3.6.1.1](#) **BTM:NG Resource**

A BTM:NG Resource's initial CRIS level will be set at its Net-ICAP level. The CRIS level will be set, and reset if necessary, at the maximum Net-ICAP level achieved during successive Summer Capability Periods until the facility has Net-ICAP levels recorded for five Summer Capability Periods. The five-year CRIS set and reset period begins with the first Summer Capability Period, following receipt of an initial CRIS value, for which the BTM:NG Resource's Net-ICAP calculation incorporates a demonstrated Average Coincident Host Load. The final CRIS level will be the highest Net-ICAP recorded for the Summer Capability Period during the five-year set and reset period, excluding the initial CRIS level.

The five-year CRIS set and reset period will terminate early, before five Net-ICAP values have been recorded if any of the following conditions occurs: (i) the BTM:NG Resource ceases to qualify as a BTM:NG Resource pursuant to Section 5.12.1 of the [ISO](#) Services Tariff; (ii) the BTM:NG Resource elects to participate as another type of Installed Capacity Supplier, other than as a BTM:NG Resource; or (iii) the BTM:NG Resource's Net ICAP is equal to or less than zero for a Capability Period. Upon an early termination of the five-year CRIS set and reset period, the final CRIS value will be determined based on the available data from the CRIS set and reset period up to the point of early termination – *i.e.*, the highest Net-ICAP value recorded during the CRIS set and reset period prior to the point of early termination.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.18.2.6.1.2~~25.9.3.6.1.2~~ **Facilities Other than BTM:NG Resources**

Prior to the establishment of the generator's first DMNC value for a Summer Capability Period, the generator's CRIS level will be set at nameplate MW. The CRIS level will be set, and reset if necessary, at the maximum DMNC level achieved during successive Summer Capability Periods until the facility has DMNC levels recorded for five Summer Capability Periods.

40.18.2.7~~25.9.3.7~~ **CRIS for BTM:NG Resources** ~~Evaluated in a Class Year Deliverability Study~~

40.18.2.7.1 If meter data is available for both the Load and the generator, the initial CRIS that can be requested is limited to the demonstrated Net-ICAP. If meter data is not available for either the Load or the generator of the BTM:NG Resource, the initial CRIS that can be requested is limited to the Net-ICAP calculation set forth in Section 5.12.1 of the ISO Services Tariff. The initial CRIS level will set at the CRIS MW level: (i) evaluated in, as applicable, the ~~Class Year Cluster Study~~ Deliverability Study and (ii) either found to be deliverable or for which the Interconnection Customer~~Developer~~ accepted its Project Cost Allocation and posted Security for any required System Deliverability Upgrades.

40.18.2.7.2 The CRIS level will be set, and reset if necessary, at the maximum DMNC level achieved during successive Summer Capability Periods, not to exceed the initial CRIS level, until the facility has DMNC levels recorded for five Summer Capability Periods – *i.e.*, the initial CRIS level will act as a cap through the set and reset period and for the final CRIS level. The final CRIS level will be the highest Net-ICAP recorded for the Summer Capability Period during the five-year set and reset period, excluding the initial CRIS level.

40.18.2.7.3 The five-year CRIS set and reset period will terminate early, before five Net-ICAP values have been recorded if any of the following conditions occurs: (i) the BTM:NG Resource ceases to qualify as a BTM:NG Resource pursuant to Section 5.12.1 of the Services

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Tariff; (ii) the BTM:NG Resource elects to participate as another type of Installed Capacity Supplier, other than as a BTM:NG Resource; or (iii) the BTM:NG Resource's Net ICAP is equal to or less than zero for a Capability Period. Upon an early termination of the five-year CRIS set and reset period, the final CRIS value will be determined based on the available data from the CRIS set and reset period up to the point of early termination – *i.e.*, the highest Net ICAP value recorded during the CRIS set and reset period prior to the point of early termination.

40.18.3~~25.9.4~~ Transfer of Deliverability Rights - Same Location

40.18.3.1 A facility with CRIS ("transferor facility") may, on or after its ~~Initial~~ Synchronization Date, transfer some or all of its CRIS to a facility at the same electrical location ("transferee facility"), provided that (1) the transferee facility must be operational before the CRIS of the transferor facility terminates pursuant to Section 40.18.2~~25.9.3~~ of this Attachment ~~HHS~~; and (2) the transferor facility, if it is Retired, in a Mothball Outage or is in an ICAP Ineligible Forced Outage ~~HFO~~, has been assessed in a STAR or a Generator Deactivation Assessment where the ISO, in coordination with the Responsible Transmission Owner(s), determined that a Generator Deactivation Reliability Need will not result from the Facility's deactivation. For purposes of this Section 40.18.3~~25.9.4~~, "same electrical location" means that the facilities are interconnecting to the same transmission bus at the same kV level. The transferee facility, if it has not already synchronized (*i.e.*, reached its ~~Initial~~ Synchronization Date), will only acquire the transferred CRIS once transferee facility has synchronized (*i.e.*, reached its ~~Initial~~ Synchronization Date). CRIS is stated in MW of Installed Capacity. In the case of transfers between the same or different resource types, those MW of Installed Capacity will be adjusted by the derate factor applicable to the transferor facility (based on the asset-class derate factors used in the most recent Class Year Deliverability Study) before the transfer and,

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

following the transfer, will be readjusted to MW of Installed Capacity in accordance with the derate factor applicable to the transferee facility (based on the asset-class derate factors used in the most recent Class Year Deliverability Study [or Cluster Study Deliverability Study](#)). In the case of a Distributed Energy Resource (DER), CRIS rights are requested and awarded at the DER level, not at the individual asset level or at the Aggregation level, and therefore, may only be transferred at the DER level under this Section [40.18.25.9.4](#).

[40.18.3.2](#) For purposes of calculating the period of time a facility is CRIS inactive pursuant to Section [40.18.25.9.3.2.3](#) of this Attachment [HHS](#), the period of time the facility is CRIS inactive prior to the transfer does not impart to the transferee facility (*i.e.*, if the transferor facility had been CRIS inactive for two years prior to the transfer, that two years does not transfer with the transferred CRIS. The transferee's CRIS is reset for purposes of Section [40.18.2-25.9.3.2.2](#)).

[40.18.3.3](#) If the transferor facility remains active (*i.e.*, as ERIS-only or with less than its original MW level of CRIS), it must submit a transfer notification form to the ISO in accordance with ISO Procedures before August 1 for the requested transfer to become effective at the later of the start of the next Capability Year (*i.e.*, May 1) or the ~~Initial~~ Synchronization Date of the transferee facility. If transferee facility does not reach its ~~Initial~~ Synchronization Date before the end of the next Capability Year (*i.e.*, April 30), the transfer will not be effective and the CRIS will remain with the transferor. A transferor facility that does not satisfy the above requirements must deactivate prior to transferring its CRIS.

[40.18.3.4](#) If the transferor facility is located in a Mitigated Capacity Zone, it may obtain a final physical withholding determination pursuant to Section 23.4.5.6.5 of the MST. If the transferee facility is located in a Mitigated Capacity Zone and is not an Excluded Facility,

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

pursuant to Section 23.2 of the MST, the transferee facility must, pursuant to Section 23.4.5.7 of the MST, obtain a Buyer-Side Mitigation determination for the transfer to become effective as soon as the start of the next capability month after the date upon which the last of the following occurs: the transferee obtains a Buyer-side Mitigation determination, if applicable; the transferor obtains a physical withholding determination, if applicable; and the facility meets all other applicable requirements in this Section ~~40.18.3~~~~25.9.4~~; *provided however*, that if the same-location CRIS transferor elects to remain active (*i.e.*, as ERIS-only or with less than its original MW level of CRIS), such Buyer-Side Mitigation determination must be obtained before August 1 of the current Capability Year for the transfer to become effective at the later of the start of the next Capability Year (*i.e.*, May 1) or the ~~Initial~~-Synchronization Date of the transferee facility.

40.18.4~~25.9.5~~ Transfer of Deliverability Rights - Different Locations

CRIS may also be transferred on a bilateral basis between an existing facility within the NYCA (“transferor facility”) and a new facility at a different location within the NYCA (“transferee facility”) to the extent that the transferee facility is found to be deliverable with the transferred~~after the existing facility transfers its CRIS~~. The transferee facility may contract with an existing facility with CRIS to transfer some or all of the existing facility’s CRIS. The transferee facility will be allowed to acquire these rights if it meets the requirements set forth below:

40.18.4.1~~25.9.5.1~~ **Prior to the [Class Year Start Date] Submit an Interconnection Request or CRIS-Only Request in a Cluster Study**~~, the transferor and transferee facilities involved in the transfer transaction must notify the ISO the MW level of capacity rights proposed to be transferred.~~ CRIS will be stated in MW of Installed Capacity. In the case of transfers between different resource types, those

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

MW of Installed Capacity will be adjusted by the derate factor applicable to the existing facility before the transfer and, following the transfer, will be readjusted to MW of Installed Capacity in accordance with the derate factor applicable to the new project. All derate factors will be based on the asset-class derate factors in the current [Cluster Study](#)~~Class Year~~ Deliverability Study.

[40.18.4.1.1](#)~~25.9.5.1.1~~ The ISO will evaluate the deliverability of the [Cluster Study](#)~~Class Year~~ ~~p~~Projects together, with no transfers, to determine the extent to which transferee facilities in the [Cluster](#)~~Class Year~~ [\[for that Cluster Study\]](#) are deliverable without the proposed transfers.

[40.18.4.1.2](#)~~25.9.5.1.2~~ The ISO will then reduce the output of all transferor facilities to see if the new facility counterparties benefit, *i.e.*, their undeliverable capacity is made deliverable, from the proposed transfers; *provided, however*, the transferor facilities will be reduced only to the extent that their reduction does not adversely impact the deliverability of [Cluster Study](#)~~Class Year~~ ~~p~~Projects that are not parties to the proposed transactions.

[40.18.4.1.3](#)~~25.9.5.1.3~~ If the deliverability test conducted by the ISO shows that the transferee facilities in the [\[Cluster for that Cluster Study\]](#)~~Class Year~~ are fully or partially deliverable with these reductions of the established facility counterparties, then the transferee facilities will be given five business days to notify the ISO as to whether transfer transaction is final or not. If any proposed transactions are not finalized, then Sections [40.18.4.1.1](#)~~25.9.5.1.1~~ and [40.18.4.1.2](#)~~25.9.5.1.2~~ will be repeated until all proposed transactions have been terminated or finalized.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.18.4.2](#)~~25.9.5.2~~ For each finalized transaction, the transferor facility will be modeled in the ~~Cluster~~ass-Year Study at its reduced output level (current level less CRIS finally transferred adjusted by the applicable derate factors). The Deliverability of ~~Cluster Study~~ass-Year Projects not parties to finalized transactions may benefit, but will not be adversely affected, by those transactions.

[40.18.4.3](#)~~25.9.5.3~~ The transferor facility will be restricted in future capacity sales up to levels consistent with the CRIS rights that were transferred to the new project counterparty.

[40.18.4.4](#)~~25.9.5.4~~ The transferee facility will only acquire the transferred CRIS once the transferee facilities becomes operational at the levels necessary to utilize those rights, provided that (1) the transferee facility must be operational before the CRIS of the transferor facility terminates pursuant to Section [40.18.2](#)~~25.9.3~~ of this Attachment [HHS](#); and (2) the transferor facility, if it is Retired, in a Mothball Outage or is in an [ICAP Ineligible Forced Outage](#)~~HFO~~, has been assessed in a STAR or a Generator Deactivation Assessment where the ISO, in coordination with the Responsible Transmission Owner(s), determined that a Generator Deactivation Reliability Need will not result from the Facility's deactivation.

If the transferor facility is located in a Mitigated Capacity Zone, it may be subject to a final physical withholding determination pursuant to Section 23.4.5.6.1 of the [ISO Services Tariff](#)~~MST~~. If the transferee facility is located in a Mitigated Capacity Zone and is not an Excluded Facility, pursuant to Section 23.2 of the [ISO Services Tariff](#)~~MST~~, the transferee facility must, pursuant to Section 23.4.5.7 of the [ISO Services Tariff](#)~~MST~~, obtain a Buyer-Side Mitigation

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

determination. Transfers may become effective as soon as the start of the next capability month after the date upon which the last of the following occurs: the transferee obtains a Buyer-~~s~~Side Mitigation determination, if applicable the transfer is found deliverable as described above in Sections [40.18.4.1.1](#)~~25.9.5.1.1~~, [40.18.4.1.2](#)~~25.9.5.1.2~~ and [40.18.4.1.3](#)~~25.9.1.3~~, and the facility meets all other applicable requirements in Sections [40.18.4.1](#)~~25.9.5.1~~ and [40.18.4.1.3](#)~~25.9.5.1.3~~.

For purposes of calculating the period of time a facility is CRIS inactive pursuant to Section [40.18.2.2](#)~~25.9.3.2.3~~ of this Attachment [HHS](#), the period of time the facility is CRIS inactive prior to the transfer does not impart to the transferee facility (i.e., if the transferor facility had been CRIS inactive for two years prior to the transfer, that two years does not transfer with the transferred CRIS. The transferee's CRIS is reset for purposes of Section [40.18.2.2](#)~~25.9.3.2.2~~).

[40.18.5](#)~~25.9.6~~ Transfer of External CRIS Rights

A holder of External CRIS Rights may transfer some or all of the Contract or Non-Contract CRIS MW that it holds to another entity, provided that the following requirements are met:

[40.18.5.1](#)~~25.9.6.1~~ The entity to receive the External CRIS Rights must, prior to the transfer, make either (i) a Contract Commitment of External Installed Capacity satisfying the requirements of Section [40.13.11.1.1](#)~~25.7.11.1.1~~ of this Attachment [HS](#), or (ii) a Non-Contract Commitment of External Installed Capacity satisfying the requirements of Section [40.13.11.1.2](#)~~25.7.11.1.2~~ of this Attachment [HHS](#); and

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.18.5.2](#)~~25.9.6.2~~ The External Installed Capacity of the entity to receive the External CRIS Rights must use the same External Interface(s) used by the External Installed Capacity of the entity currently holding the External CRIS Rights; and

[40.18.5.3](#)~~25.9.6.3~~ The transfer must be for the remaining duration of the Award Period or renewal of an Award Period currently effective for the External CRIS Rights to be transferred; and

[40.18.5.4](#)~~25.9.6.4~~ If the holder of External CRIS Rights transfers some, but not all of its CRIS MW, the number of CRIS MW transferred must be such that, following the transfer, both the holder and the entity receiving External CRIS Rights satisfy the applicable requirements of Section [40.13.11.1.1](#)~~25.7.11.1.1~~ and [40.13.11.1.2](#)~~25.7.11.1.2~~ of this Attachment [HHS](#); and

[40.18.5.5](#)~~25.9.6.5~~ The transfer must take place on or before the earlier of:

[40.18.5.5.1](#)~~25.9.6.5.1~~ Six months prior to the expiration date of the Contract or Non-Contract Commitment of the entity currently holding the External CRIS Rights to be transferred; or

[40.18.5.5.2](#)~~25.9.6.5.2~~ One month prior to the [Closing of the Application Window-Cluster Study Start Date](#)~~of the ATRA~~ that is prior to the start of the last Summer Capability Period within the current Award Period or renewal of an Award Period.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.19 Expedited Deliverability Study Procedures

~~25.5.9.2 Expedited Deliverability Study Process~~

~~25.5.9.2~~ 40.19.1 Study Start Date, ~~Entry Requirements and Schedule~~

~~The start date for the first Expedited Deliverability Study will be the first Business Day after thirty (30) Calendar Days following February 18, 2020.~~ After the completion of the initial Expedited Deliverability Study, each Expedited Deliverability Study will begin the first Business Day after thirty (30) Calendar Days following the completion of the prior Expedited Deliverability Study; *provided, however*, an Expedited Deliverability Study may not commence during the period between the posting of as applicable, the draft Class Year Study or Phase 2 Cluster Study report for Operating Committee approval and commencement of the next ~~Class Year Study~~ Phase 1 Study. If the first Business Day after thirty (30) Calendar Days following the completion of the prior Expedited Deliverability Study falls on a date within the above-described Class Year or Cluster Study decision and settlement period, the Expedited Deliverability Study will begin on the first Business Day after ten (10) Calendar Days following the ~~Class Year Study~~ Cluster Study Process Start Date immediately following the above-described Class Year or Cluster Study decision and settlement period.

The ISO will provide notice of the Expedited Deliverability Study start date by (1) sending notice of the start date to those registered through the ISO to be on the distribution lists for the NYISO Operating Committee and its subcommittees; and (2) posting notice of the Expedited Deliverability Study start date.

40.19.2 Study Entry Requirements and Schedule

In order to become eligible to enter an Expedited Deliverability Study, an Interconnection Customer-Developer must (1) elect to enter the Expedited Deliverability Study by providing notice to the ISO by the Expedited Deliverability Study start date; (2) must have satisfied the

Commented [A1]: NYISO Comment: Incorporated from Section 25.5.9.2 of Attachment S.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

data submission requirements set forth in Section [23.4.5.7.3.6] of the ISO Services Tariff required for Cluster Study~~ass-Year~~ Projects requesting CRIS in a Mitigated Capacity Zone and have such data submission deemed complete by the ISO by the Expedited Deliverability Study start date; and (3) must be in service or have completed one of the following, as applicable: a Class Year Study or Cluster Study for ERIS, a ~~System Impact Study~~completed facilities study for Small Generating Facilities processed under the Small Generator Interconnection Procedures pursuant to Section [40.3.1], or a utility interconnection study if the facility is not subject to the ISO interconnection procedures under Attachment ~~HHs X and Z~~. As set forth in Section [40.13.1], a Project may not be evaluated in both the Cluster Study Process and an Expedited Deliverability Study simultaneously (i.e., an Interconnection Customer with CRIS being evaluated in a Cluster Study Process may not enter an Expedited Deliverability Study for evaluation of the same CRIS request until the Cluster Study has completed. An Interconnection Customer with CRIS being evaluated in an Expedited Deliverability Study may not enter a Cluster Study Process for evaluation of the same CRIS request until the Expedited Deliverability Study has completed.)

A Project that satisfies the eligibility requirements for an Expedited Deliverability Study will become a member of the Expedited Deliverability Study if it satisfies the requirements of Section [40.19.3]~~25.5.9.2.2~~ of this Attachment ~~HHs~~ as it relates to completion of an Expedited Deliverability Study Agreement, submission of the required deposit, and submission of required technical data.

All parties engaged in performing study work as part of the Expedited Deliverability Study are required to use Reasonable Efforts to complete the basic required evaluations in order for the Expedited Deliverability Study to be presented to the NYISO Operating Committee for

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

approval within four (4) months from the date that the ISO confirms receipt of all of the following [for all members of the Expedited Deliverability Study](#): (1) the executed Expedited Deliverability Study Agreement; (2) the \$30,000 Expedited Deliverability Study deposit required by Section [\[40.19.3\]25.5.9.2.2](#) of this Attachment [HHS](#); and (3) the technical data required by Section [\[40.19.3\]25.5.9.2.2](#) of this Attachment [HHS](#).

[40.19.325.5.9.2.2](#) Expedited Deliverability Study Agreement [and Invoicing of Study Costs](#)

[40.19.3.1](#) As soon as practicable after an [Interconnection Customer](#)~~Developer~~ has notified the ISO of its request to enter the next Expedited Deliverability Study, the ISO shall tender an Expedited Deliverability Study Agreement in the form of Appendix [\[8\]2](#) to this Attachment [HHS](#). When the ISO tenders an Expedited Deliverability Study Agreement to an [Interconnection Customer](#)~~Developer~~, the ISO shall, at the same time, also provide one to the applicable Connecting Transmission Owner. The Expedited Deliverability Study Agreement shall provide that the [Interconnection Customer](#)~~Developer~~ shall compensate the ISO for the actual cost of the Expedited Deliverability Study. When the ISO tenders the Expedited Deliverability Study Agreement to the requesting [Interconnection Customer](#)~~Developer~~, the ISO shall provide to the [Interconnection Customer](#)~~Developer~~ a non-binding good faith estimate of the cost and timeframe for completing the Expedited Deliverability Study.

[40.19.3.2](#) Within ten (10) Business Days after the ISO tenders the Expedited Deliverability Study Agreement, the [Interconnection Customer](#)~~Developer~~ shall complete the Expedited Deliverability Study Agreement and deliver the completed agreement to the ISO. [Interconnection Customer](#)~~Developer~~ shall indicate, in the data form attached to the Expedited Deliverability Study Agreement, the MW level of requested CRIS up to the levels permitted by Section [\[40.5.6.5\]25.8.4](#) of this Attachment [HHS](#). [Interconnection Customer](#)~~Developer~~ shall,

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

with the completed Expedited Deliverability Study Agreement, deliver to the ISO (1) the required technical data and (2) a study deposit of \$30,000.

40.19.3.3 The Interconnection Customer~~Developer~~, ISO and Connecting Transmission Owner shall execute the Expedited Deliverability Study Agreement no later than ten (10) Calendar Days after the ISO confirms receipt of the executed Expedited Deliverability Study Agreement, the required technical data and required deposit from the Interconnection Customer~~Developer~~. The ISO shall provide a copy of the fully executed Expedited Deliverability Study Agreement to the Interconnection Customer~~Developer~~ and Connecting Transmission Owner.

40.19.3.4 The ISO shall invoice the Interconnection Customer in accordance with the requirements in Section 40.24.3~~Expedited Deliverability Study Developer on a monthly basis for the work conducted on the Expedited Deliverability Study. Each Developer shall pay an equal share of the actual cost of the combined Expedited Deliverability Study. The Developer shall pay invoiced amounts within thirty (30) Calendar Days of receipt of invoice. The ISO shall continue to hold the amounts on deposit in an interest bearing account associated with the Developer until settlement of the final invoice.~~

40.19.4 No Prioritization of ~~Class Year Projects or~~ Projects in an Expedited Deliverability Study

There will be no prioritization of ~~(1) the Projects grouped and studied together in a Class Year, or (2) the Projects grouped and studied together in an Expedited Deliverability Study. Each Project in a Class Year Study will, with other Projects in the same Class Year, share in the then currently available functional or electrical capability of the transmission system, and share in the cost of the System Upgrade Facilities required to interconnect its respective Project and, for Developers seeking CRIS, System Deliverability Upgrades required under the NYISO~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~Deliverability Interconnection Standard, in accordance with the rules set forth herein.~~ Each Project in an Expedited Deliverability Study will, with other Projects in the same Expedited Deliverability Study, share in the then currently available functional or electrical capability of the transmission system in accordance with the rules set forth herein. For purposes of this Section [\[40.19.4\]](#)~~25.5.8~~, the “then currently available functional or electrical capability of the transmission system” is the functional or electrical capability of the transmission system currently available in the applicable base case.

[40.19.5](#)~~25.5.9.2.3~~ Expedited Deliverability Study Procedures

The ISO shall perform the Expedited Deliverability Study in accordance with the requirements for an Expedited Deliverability Study in Section 40.13 of tis Attachment HH. The ISO shall coordinate the Expedited Deliverability Study and shall utilize existing studies to the extent practicable in performing the Expedited Deliverability Study. The ISO may request additional information from the [Interconnection Customer](#)~~Developer~~ and Connecting Transmission Owner as may reasonably become necessary consistent with Good Utility Practice during the course of the Expedited Deliverability Study. Upon request from the ISO for additional information required for or related to the Expedited Deliverability Study, the [Interconnection Customer](#)~~Developer~~ and Connecting Transmission Owner shall provide such additional information in a prompt manner.

Within ten (10) Business Days of providing a draft Expedited Deliverability Study report to an [Interconnection Customer](#)~~Expedited Deliverability Study Developer~~, the ISO, Connecting Transmission Owner, and Affected System Operator(s) shall meet with the [Interconnection Customer](#)~~Developer~~ to discuss the results of the Expedited Deliverability Study.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

The ISO shall use Reasonable Efforts to complete the study and present the Expedited Deliverability Study report to the Operating Committee within the timeframe set forth in Section ~~[40.19.2]~~ 25.5.9.2.1 of this Attachment ~~HHS~~; *provided, however*, an Expedited Deliverability Study report shall not proceed to the Operating Committee between Operating Committee approval of a Class Year Study or Phase 2 Study and commencement of the next ~~Class Year~~ Phase 1 Study. An Expedited Deliverability Study may not proceed to the Operating Committee until after ten (10) Calendar Days following the completion of the Class Year Study or Phase 2 Study. After Operating Committee approval of the Expedited Deliverability Study report, the Interconnection Customer ~~Expedited Deliverability Study Developers~~ will be subject to the decision process set forth in Section 25.5.9.2.4.

Before Operating Committee approval of the Expedited Deliverability Study, if the pending Class Year Study or Cluster Study proceeds to the final decision and settlement period pursuant to Section 25.8 of this Attachment S and a Class Year Project or Cluster Study Project accepts or rejects a Project Cost Allocation that the ISO determines may impact the deliverability of a Project in the Expedited Deliverability Study, the assumptions used in the Expedited Deliverability Study will be updated before the commencement of the next Phase 1 ~~Class Year~~ Study.

At the request of an Interconnection Customer subject to an ~~y~~ Expedited Deliverability Study ~~Developer~~, or at any time the ISO determines that it will not meet the required timeframe for completing the Expedited Deliverability Study, the ISO shall notify the Interconnection Customer ~~Expedited Deliverability Study Developer~~ as to the schedule status of the Expedited Deliverability Study. If the ISO is unable to complete the Expedited Deliverability Study within the initial schedule, it shall notify the Interconnection Customer ~~Expedited Deliverability Study~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~Developer~~, and provide an estimated completion date and an explanation of the reasons why additional time is required.

Upon request, the ISO shall provide the [Interconnection Customer](#) ~~Expedited Deliverability Study Developer~~ supporting documentation, workpapers, and databases or data developed in the preparation of the Expedited Deliverability Study, subject to non-disclosure arrangements consistent with Section [\[40.24.1\]](#) ~~30.13.1~~.

[40.19.6](#) ~~25.5.9.2.4~~ Expedited Deliverability Study Decision Process

Within 5 Business Days following approval of the Expedited Deliverability Study by the Operating Committee (such 5 Business Day period to be referred to as the “Expedited Deliverability Study Initial Decision Period”), each [Interconnection Customer](#) ~~Developer~~ in the Expedited Deliverability Study shall provide notice to the ISO, in writing and via electronic mail, stating whether it shall accept (an “Expedited Deliverability Study Acceptance Notice”) or not accept (an “Expedited Deliverability Study Non-Acceptance Notice”) the Deliverable MW, if any, reported to it by the ISO in the Expedited Deliverability Study report. Failure to notify the ISO by the prescribed deadline as to whether an [Interconnection Customer](#) ~~Developer~~ accepts or rejects its Deliverable MW, if any, will be deemed an Expedited Deliverability Study Non-Acceptance Notice. As soon as practicable following the end of the Expedited Deliverability Study Initial Decision Period, the ISO shall report to all [Cluster Study Projects](#) ~~Class Year Developers~~, in writing and via electronic mail, all of the decisions submitted by [Interconnection Customers](#) ~~Developers~~ in the Expedited Deliverability Study.

At the end of the Expedited Deliverability Study Initial Decision Period, if one or more of the [Interconnection Customers](#) ~~Developers~~ provides an Expedited Deliverability Study Non-Acceptance Notice (such event an “Expedited Deliverability Study Non-Acceptance Event”), the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Interconnection Customer~~Developer~~ that provided the Expedited Deliverability Study Non-Acceptance Notice will be removed from the then current Expedited Deliverability Study and the ISO shall update the Expedited Deliverability Study results for those remaining Interconnection Customers~~Developers~~ in the Expedited Deliverability Study to reflect the impact of the Projects withdrawn from the Expedited Deliverability Study. The revised Expedited Deliverability Study report shall include updated Deliverable MW, if any, and shall be issued within 10 Business Days following the occurrence of an Expedited Deliverability Study Non-Acceptance Event. Each remaining Interconnection Customer~~Developer~~ shall be deemed to have accepted its respective Deliverable MW identified in the revised Expedited Deliverability Study report.

40.2030.9 Engineering & Procurement (“E&P”) Agreement

Commented [A1]: NYISO Comment: Relocated from OATT Att. X Section 30.9.

Prior to executing a Standard ~~Large Generator~~ Interconnection Agreement, an Interconnection Customer~~Developer~~ may, in order to advance the implementation of its interconnection, request and Connecting Transmission Owner shall offer the Interconnection Customer~~Developer~~, an E&P Agreement that authorizes the Connecting Transmission Owner to begin engineering and procurement of long lead-time items necessary for the establishment of the interconnection. However, the Connecting Transmission Owner shall not be obligated to offer an E&P Agreement if the Interconnection Customer~~Developer~~ is in Dispute Resolution as a result of an allegation that the Interconnection Customer~~Developer~~ has failed to meet any milestones or comply with any prerequisites specified in other parts of these Standard~~Large Facility~~ Interconnection Procedures. The E&P Agreement is an optional procedure, and it will not alter the Interconnection Customer~~Developer~~'s Queue Position or Initial Feedback~~In-Service~~ Date. The E&P Agreement shall provide for the Interconnection Customer~~Developer~~ to pay the cost of all activities authorized by the Interconnection Customer~~Developer~~ and to make advance payments or provide other satisfactory security for such costs. The Interconnection Customer~~Developer~~ shall, in accordance with Attachment HHS to the ISO OATT, pay the cost of such authorized activities and any cancellation costs for equipment that is already ordered for its interconnection, which cannot be mitigated as hereafter described, whether or not such items or equipment later become unnecessary. If the Interconnection Customer~~Developer~~ withdraws its ~~application for i~~Interconnection Request or either Party terminates the E&P Agreement, to the extent the equipment ordered can be canceled under reasonable terms, the Interconnection Customer~~Developer~~ shall be obligated to pay the associated cancellation costs. To the extent that the equipment cannot be reasonably canceled, Connecting Transmission Owner may elect:

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

- (i) to take title to the equipment, in which event Connecting Transmission Owner shall refund the Interconnection Customer~~Developer~~ any amounts paid by the Interconnection Customer~~Developer~~ for such equipment and shall pay the cost of delivery of such equipment, or
- (ii) to transfer title to and deliver such equipment to Interconnection Customer~~Developer~~, in which event the Interconnection Customer~~Developer~~ shall pay any unpaid balance and cost of delivery of such equipment.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.21.30.11 ~~Standard Large Generator~~ **Standard** ~~Interconnection Agreement (LGIA)/ Standard Upgrade Construction Agreement/ Standard Multiparty Upgrade Construction Agreement~~

Commented [A1]: NYISO Comment: NYISO Comment: Relocated from OATT Att. X Section 30.11.

40.21.130.11.1 ~~Standard~~ **Tender**

40.21.1.1 Except as set forth in Section 40.21.4, ~~As~~ as soon as practicable upon completion of ~~the Developer~~ decision process in, as applicable, the Final Decision Period, Additional SDU Study Decision Period, or Affected System Study and Interconnection Customer's satisfaction of the cost allocation and Security posting requirements described in as applicable, Section [40.8.3.10] or [40.15] ~~25.8 of Attachment S, acceptance by the Developer of its Attachment S cost allocation,~~ the ISO shall tender, as applicable:

(i) ~~to the Developer and Connecting Transmission Owner~~ a draft Standard Interconnection Agreement to the Interconnection Customer and Connecting Transmission Owner LGIA ~~together with draft appendices completed to the extent practicable. The draft LGIA shall be~~ in the form of the ISO's Commission-approved Standard Interconnection Agreement LGIA, which is in Appendix [15] to this Attachment ~~HHX~~, together with draft appendices completed to the extent practicable:-

(ii) a draft Standard Upgrade Construction Agreement to an Interconnection Customer and an Affected System Operator or Affected Transmission Owner for the engineering, procurement, and construction of System Upgrade Facilities or System Deliverability Upgrades identified on an Affected System in connection with either the evaluation of an Interconnection Customer's Interconnection Request or CRIS-Only Request in the Cluster Study Process or the results of an Affected System Study for an Affected System Interconnection Customer; the draft agreement will be in the form of the ISO's Commission-approved Standard Upgrade

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Construction Agreement, which is in Appendix [16] to this Attachment HH, together with draft appendices completed to the extent practicable; and/or

(iii) a draft Standard Multiparty Upgrade Construction Agreement to two or more Interconnection Customers and an Affected System Operator, Affected Transmission Owner, or Connecting Transmission Owner for the engineering, procurement, and construction of System Upgrade Facilities or System Deliverability Upgrades identified on an Affected System or Connecting Transmission Owner's system in connection with either the evaluation of two or more Interconnection Customers' Interconnection Request(s) or CRIS-Only Request(s) in the Cluster Study Process or the results of an Affected System Study for two or more Affected System Interconnection Customers; the draft agreement will be in the form of the ISO's Commission-approved Standard Multiparty Upgrade Construction Agreement, which is in Appendix [17] to this Attachment HH, together with draft appendices completed to the extent practicable.

~~Within six (6) months after the date the ISO tenders the draft LGIA, the Developer must have satisfied the applicable regulatory milestone described in Section 25.6.2.3.1 of Attachment S. If the Developer has not done so, the ISO will withdraw the Interconnection Request pursuant to Sections 25.6.2.3 of Attachment S to the OATT and pursuant to Section 30.3.6 of this Attachment X.~~

40.21.2~~30.11.2~~ Negotiation

~~Notwithstanding Section 30.11.1, at the request of the Developer the ISO and Connecting Transmission Owner shall begin negotiations with the Developer concerning the LGIA and its appendices at any time after the Developer executes the Class Year Interconnection Facilities Study Agreement. The ISO, Connecting Transmission Owner and the Interconnection~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Customer~~Developer~~(s), and, as applicable, the Connecting Transmission Owner, Affected System Operator, or Affected Transmission Owner shall finalize the appendices and negotiate concerning any disputed provisions of the draft Standard Interconnection Agreement~~LGIA~~, Standard Upgrade Construction Agreement, or Standard Multiparty Upgrade Construction Agreement and its appendices subject to the ~~six (6) month~~ time limitation specified below in this Section ~~40.21.2~~~~30.11.2~~. If the Interconnection Customer~~Developer~~(or the Interconnection Customers acting jointly in the case of a Standard Multiparty Upgrade Construction Agreement) determines that negotiations of the applicable agreement are at an impasse, it may request termination of the negotiations at any time after tender of the draft agreement~~LGIA~~ pursuant to Section ~~40.21.1~~~~30.11.1~~ and request submission of the unexecuted agreement~~LGIA~~ to FERC or initiate Dispute Resolution procedures pursuant to Section ~~[40.24.5]~~~~30.13.5~~. If the Interconnection Customer~~Developer~~ requests termination of the negotiations, but within sixty (60) Calendar Days thereafter fails to request either the filing of the unexecuted agreement~~LGIA~~ or initiate Dispute Resolution, it shall be deemed to have withdrawn its Interconnection Request or CRIS-Only Request. Unless otherwise agreed by the Parties, if the Interconnection Customer~~Developer~~ has not executed the agreement~~LGIA~~, requested filing of an unexecuted agreement~~LGIA~~, or initiated Dispute Resolution procedures pursuant to Section ~~[40.24.5]~~~~30.13.5~~ within one hundred eighty (180) days~~six (6) months~~ of tender of the draft agreement~~LGIA~~, it shall be deemed to have withdrawn its Interconnection Request or CRIS-Only Request.

40.21.2.1 Delay in Standard Interconnection Agreement~~LGIA~~ Execution, or Filing Unexecuted, to Await Affected System Study Report from External Affected System

Commented [A2]: NYISO Comment: Inserted from new Order No. 2023 pro forma 11.2.1; as revised.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

If Interconnection Customer has not received its Affected System Study Report from the [External](#) Affected System Operator prior to the date that it would be required to execute its [Standard Interconnection Agreement](#) ~~LGIA~~ (or request that its [Standard Interconnection Agreement](#) ~~LGIA~~ be filed unexecuted) pursuant to Section ~~40.21.241.1~~ [40.21.241.1](#) of ~~this LGIP~~, ~~the ISO~~ [Transmission Provider](#) shall, upon request of Interconnection Customer, extend this deadline to thirty (30) Calendar Days after Interconnection Customer's receipt of the Affected System Study Report. If Interconnection Customer, after delaying ~~the Standard Interconnection Agreement~~ ~~LGIA~~ execution, or requesting unexecuted filing, to await ~~the~~ Affected System Study Report ~~results~~, decides to proceed to ~~the Standard Interconnection Agreement~~ ~~LGIA~~ execution, or request unexecuted filing, without those results, it may notify ~~ISO~~ [Transmission Provider](#) of its intent to proceed with [Standard Interconnection Agreement](#) ~~LGIA~~ execution (or request that its [Standard Interconnection Agreement](#) ~~LGIA~~ be filed unexecuted) pursuant to Section ~~40.21.341.1~~ [40.21.341.1](#) of ~~this LGIP~~. If ~~the ISO~~ [Transmission Provider](#) determines that further delay to the [Standard Interconnection Agreement](#) ~~LGIA~~ execution date would cause a material impact on the cost or timing of an equal- or lower-queued interconnection customer, ~~the ISO~~ [Transmission Provider](#) must notify Interconnection Customer of such impacts and set the deadline to execute the [Standard Interconnection Agreement](#) ~~LGIA~~ (or request that the [Standard Interconnection Agreement](#) ~~LGIA~~ be filed unexecuted) to thirty (30) Calendar Days after such notice is provided.

~~40.21.2230.3.7~~ Identification of Contingent Facilities

The ISO shall identify Contingent Facilities through the ~~Cluster Study~~ [Class Year](#) ~~Interconnection Facilities Study under Attachment S to the ISO OATT~~, and specify such

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Contingent Facilities in the [Standard](#) Interconnection Agreement. The method for identifying Contingent Facilities shall be sufficiently transparent as to why the ISO identifies Contingent Facilities and how they relate to the [Cluster Study](#)~~ass Year~~ Project. Consistent with the analyses performed in the [Cluster](#)~~Class Year~~ Study under Section [\[40.12\]](#)~~25.6 of Attachment S~~, the ISO shall evaluate the impact on short circuit, thermal, voltage, or stability of unbuilt Attachment Facilities, ~~and~~ [Distribution Upgrades](#), System Upgrade Facilities, and/or System Deliverability Upgrades associated with [Cluster Study](#)~~Class Year~~ Projects. The ISO shall identify those unbuilt facilities in the [Cluster](#)~~Annual Transmission~~ Baseline Assessment and the [Cluster Project](#)~~Annual Transmission Reliability~~ Assessment against which the [Cluster Study](#)~~ass Year~~ Project is evaluated as Contingent Facilities if the impact on short circuit, thermal, voltage, or stability of the unbuilt facilities exceeds the de minimis standards set forth in Sections [\[40.12.2.5.1.1\]](#)~~25.6.2.6.1.1~~ through [\[40.12.2.5.1.4\]](#)~~25.6.2.6.1.4 of Attachment S to the ISO OATT~~. An [Interconnection Customer](#)~~Developer~~ may also request the ISO to provide the estimated costs and estimated in-service completion time of each identified Contingent Facility when this information is readily available and not commercially sensitive.

[40.21.3](#)~~30.11.3~~ Execution and Filing

~~Within fifteen (15) Business Days after receipt of the executed~~ [The ISO will not tender the execution version or file an unexecuted version of the LGIA, until it has confirmed receipt of the following \(unless the grounds for the unexecuted filing is one of the requirements in this Section 40.21.3\):](#)

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~(i) the Developer shall provide the ISO and Connecting Transmission Owner~~
Interconnection Customer's demonstration of continued Site Control pursuant to Section
[40.5.5.1.5] (A) reasonable evidence of continued Site Control or (B) posting of \$250,000, non-
~~refundable additional security with the Connecting Transmission Owner, which shall be applied~~
~~toward future construction costs; and~~

~~(ii) At the same time, the Developer~~Interconnection Customer ~~also shall~~ has provided
the ISO and Connecting Transmission Owner with reasonable evidence that one or more of the
following milestones in the development of the ~~Large-Generating~~ Facility, at the Interconnection
Customer's~~Developer~~ election, has been achieved (unless such milestone is inapplicable due to
characteristics of the Facility): ~~(i)~~ (a) the execution of a contract for the supply or transportation of
fuel to the ~~Large-Generating~~ Facility; ~~(ii)~~ (b) the execution of a contract for the supply of cooling
water to the ~~Large-Generating~~ Facility; ~~(iii)~~ (c) execution of a contract for the engineering for,
procurement of major equipment for, or construction of, the ~~Large-Generating~~ Facility; ~~(iv)~~ (d)
execution of a contract (or comparable evidence) for the sale of electric energy or capacity from
the ~~Large-Generating~~ Facility; or ~~(v)~~ (e) application for an air, water, or land use permit.

Commented [A3]: NYISO Comment: FERC pro forma addition.

The Interconnection Customer~~Developer~~(s) shall either: (i) execute ~~three (3)~~ originals of
the tendered execution version of the LGIA agreement, which number will be based on the
number of parties to the agreement, and return them to the ISO and as applicable, Connecting
Transmission Owner, Affected System Operator, or Affected Transmission Owner; or (ii)
request in writing that the ISO and as applicable, Connecting Transmission Owner, Affected
System Operator, or Affected Transmission Owner file with FERC the applicable agreement~~an~~
~~LGIA~~ in unexecuted form.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

As soon as practicable, but not later than ten (10) Business Days after receiving either the ~~two~~ executed originals of the tendered agreement from the other parties ~~LGIA~~ (if the agreement ~~it~~ does not conform with a Commission-approved standard form of the agreement ~~interconnection~~ agreement) or the request to file the agreement ~~an~~ unexecuted ~~LGIA~~, the ISO and, if applicable, the Connecting Transmission Owner, Affected System Operator, or Affected Transmission Owner shall file the agreement ~~LGIA~~ with FERC. The ISO will draft the portions of the agreement ~~LGIA~~ and appendices that are in dispute and assume the burden of justifying any departure from the pro forma agreement ~~LGIA~~ and appendices. The ISO will provide its explanation of any matters as to which the Parties disagree and support for the costs that, as applicable, the Connecting Transmission Owner, Affected System Operator, or Affected Transmission Owner proposes to charge to the ~~Developer~~ Interconnection Customer(s) under the agreement ~~LGIA~~. An unexecuted agreement ~~LGIA~~ should contain terms and conditions deemed appropriate by the ISO for the Interconnection Request or CRIS-Only Request. The Connecting Transmission Owner, Affected System Operator, or Affected Transmission Owner, as applicable, will provide in the filing any comments it has on the unexecuted agreement, including any alternative positions, it may have with respect to the disputed provisions. If the Parties agree to proceed with the design, procurement, and construction of facilities and upgrades under the agreed-upon terms of the unexecuted agreement ~~LGIA~~, they may proceed pending Commission action.

**40.21.4 ~~30.11.4~~ Negotiation and Execution of Standard Interconnection
Agreement Prior to ~~Pre-Dating~~ Completion of the Cluster ~~Large Facility's~~
~~Class Year~~ Study**

At the request of the Interconnection Customer ~~Developer~~, the ISO and Connecting Transmission Owner shall begin negotiations with the Interconnection Customer ~~Developer~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

concerning the [Standard Interconnection Agreement LGIA](#) and its appendices at any time after the [Interconnection Customer](#) satisfies the requirements to enter the Phase 2 Study ~~Developer~~ executes the ~~Class Year Interconnection Facilities Study Agreement~~; however, certain analysis required by the Facilities Study must be completed before the LGIA can be completed—specifically, identification of all required Connecting Transmission Owner Attachment Facilities and Local System Upgrade Facilities. If the [Standard Interconnection Agreement LGIA](#) is executed prior to the completion of the [Cluster](#) ~~Class Year~~ Study Process, the [Interconnection Customer](#) ~~Developer~~ must agree, in the [Standard Interconnection Agreement LGIA](#), that in, as applicable, the [Final Decision Period or Additional SDU Study Decision Period](#) ~~Class Year~~ decision process for that Cluster Study, it will accept the Project Cost Allocation and post Security for any [Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, or](#) System Upgrade Facilities that are identified and cost allocated in the [Cluster Study](#) ~~Class Year Study~~ even if such Project Cost Allocations exceed the estimates included in the [Standard Interconnection Agreement LGIA](#) and include equipment not identified in the [Standard Interconnection Agreement LGIA](#).

The [Interconnection Customer](#) ~~Developer~~ executing a [Standard Interconnection Agreement](#) ~~n LGIA~~ prior to the completion of a [Cluster Study](#) ~~a Class Year Study~~ cannot participate as an Installed Capacity Supplier until after the [Cluster Study](#) ~~Class Year Study~~ is completed and (1) the project is deemed deliverable and accepts its ~~d~~ Deliverable [MW megawatts](#); or (2) the [Interconnection Customer](#) ~~Developer~~ accepts its Project Cost Allocation and [pays cash or](#) posts Security for any required System Deliverability Upgrades, [unless CRIS was otherwise obtained under this Attachment HH](#).

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

To the extent that upgrades or cost estimates in the Cluster~~Class Year~~ Study differ from the amounts or descriptions in the Standard Interconnection Agreement~~LGIA~~, the Interconnection Customer~~Developer~~ shall work with the ISO and Connecting Transmission Owner to promptly amend the agreement~~LGIA~~ as needed to incorporate the updated amounts or descriptions.

For purposes of this Section 40.21.4~~30.11.4~~, a Standard Interconnection Agreement~~LGIA~~ includes a Provisional Standard Interconnection Agreement~~provisional LGIA~~ and its appendices requested pursuant to Section [40.22.3]~~30.12.3~~ of this Attachment HH~~X~~.

40.21.5~~30.11.5~~ **Commencement of Interconnection Activities**

If the Parties~~Developer~~ executes the final LGIA~~Standard Interconnection Agreement, Standard Upgrade Construction Agreement, or Standard Multiparty Upgrade Construction Agreement~~, the ISO, ~~Connecting Transmission Owner and the~~ Interconnection Customer(s)~~Developer~~, and, as applicable, the Connecting Transmission Owner, Affected System Operator, or Affected Transmission Owner shall perform their respective obligations in accordance with the terms of the agreement~~LGIA~~, subject to modification by FERC. Upon submission of an unexecuted agreement~~LGIA~~ in accordance with Section 40.21.3~~30.11.3~~, the Parties shall promptly comply with the unexecuted agreement~~LGIA~~, subject to modification by FERC.

40.21.6~~30.11.6~~ **Termination of the Standard ~~Large Generator~~ Interconnection Agreement**

The classification of a ~~Large Generating~~ Facility as Retired or a Class Year Transmission Project or Cluster Study Transmission Project permanently ceasing Commercial Operation will be grounds for the termination of its ~~Standard Large Facility I~~ Interconnection ~~A~~ agreement

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~(LGIA)~~. -The ISO will file with the Federal Energy Regulatory Commission a notice of termination of the [interconnection agreement](#)~~LGIA~~ as soon as practicable after the Large Generating Facility is Retired [or the Class Year Transmission Project or Cluster Study Transmission Project permanently ceases commercial operation](#). The termination of a non-conforming *pro forma* [interconnection agreement](#)~~LGIA~~ will be effective only upon acceptance by the Federal Energy Regulatory Commission of the notice of termination and proposed effective date. Upon the effective date of the termination of the [interconnection agreement](#)~~LGIA~~ access to the Point of Interconnection of the ~~Large~~ Generating Facility will be available on a non-discriminatory basis pursuant to the ISO's applicable interconnection and transmission expansion processes and procedures.

**40.22.30.12 Construction of Connecting Transmission Owner's Attachment Facilities,
and System Upgrade Facilities, and System Deliverability Upgrades**

40.22.130.12.1 Schedule

The Connecting Transmission Owner and Interconnection Customer ~~the Developer~~ shall negotiate in good faith concerning a schedule for the construction of the Connecting Transmission Owner's Attachment Facilities, ~~and~~ the System Upgrade Facilities, and the System Deliverability Upgrades. If the System Upgrade Facilities or System Deliverability Upgrades involve Affected Transmission Owners, the Affected Transmission Owner and Interconnection Customer ~~Developer~~ shall negotiate in good faith concerning a schedule for the construction of ~~must execute and fulfill agreement(s) with the ISO and the Connecting Transmission Owner and any Affected Transmission Owner to cover the engineering, procurement and construction of~~ such upgrades.

40.22.230.12.2 Construction Sequencing

40.22.2.130.12.2.1 General

In general, the Initial Feedback ~~In-Service~~ Dates of the Interconnection Customers ~~Developers~~ in each Cluster Study ~~Class Year~~ seeking interconnection to the New York State Transmission System will determine the sequence of construction of System Upgrade Facilities and System Deliverability Upgrades.

40.22.2.230.12.2.2 Advance Construction of System Upgrade Facilities and System Deliverability Upgrades that are an Obligation of an Entity other than the Interconnection Customer ~~Developer~~

An Interconnection Customer ~~Developer~~ with an interconnection agreement ~~Standard Large Generator Interconnection Agreement~~, in order to maintain its Initial Feedback ~~In-Service~~ Date, may request that the Connecting Transmission Owner advance to the extent necessary the

completion of System Upgrade Facilities; and System Deliverability Upgrades that: (i) were assumed, as applicable, in the Cluster Study or Class Year Study~~Interconnection Studies~~ for such Interconnection Customer~~Developer~~, (ii) are necessary to support such Initial Feedback~~In-Service~~ Date, and (iii) would otherwise not be completed, pursuant to a contractual obligation of an entity other than the Interconnection Customer~~Developer~~ that is seeking interconnection to the New York State Transmission System, in time to support such Initial Feedback~~In-Service~~ Date. Upon such request, Connecting Transmission Owner will use Reasonable Efforts to advance the construction of such System Upgrade Facilities and System Deliverability Upgrades to accommodate such request; provided that the Interconnection Customer~~Developer~~ commits in writing to pay Connecting Transmission Owner any associated expediting costs.

40.22.2.3~~30.12.2.3~~ Advancing Construction of System Upgrade Facilities or System Deliverability Upgrades that are Part of an Expansion Plan of the ISO or Connecting Transmission Owner

An Interconnection Customer~~Developer~~ with an Standard Large Generator~~Interconnection Agreement~~, in order to maintain its Initial Feedback~~In-Service~~ Date, may request that the Connecting Transmission Owner advance to the extent necessary the completion of System Upgrade Facilities and System Deliverability Upgrades that: (i) are necessary to support such Initial Feedback~~In-Service~~ Date and (ii) would otherwise not be completed, pursuant to an expansion plan of the ISO or Connecting Transmission Owner, in time to support such Initial Feedback~~In-Service~~ Date. Upon such request, Connecting Transmission Owner will use Reasonable Efforts to advance the construction of such System Upgrade Facilities and System Deliverability Upgrades to accommodate such request; provided that the Interconnection Customer~~Developer~~ commits in writing to pay Connecting Transmission Owner any associated expediting costs.

~~30.12.2.4 Amended Interconnection System Reliability Impact Study~~

~~An Interconnection System Reliability Impact Study will be amended to determine the facilities necessary to support the requested In-Service Date. This amended study will include those transmission and Large-Generating Facilities that are expected to be in service on or before the requested In-Service Date.~~

40.22.3~~30.12.3~~ **Provisional Interconnection Service**

Subject to the requirements of Section [40.21.4]~~30.11.4 of this Attachment X~~, prior to the completion of the Cluster Study~~Large-Facility Interconnection Procedures~~ and prior to completion of requisite Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, System Distribution Upgrades, or System Protection Facilities, the Interconnection Customer~~Developer~~ may request an evaluation for Provisional Interconnection Service. The ISO, in conjunction with the Connecting Transmission Owner(s), shall determine, through available studies or additional studies as necessary, whether stability, short circuit, thermal, and/or voltage issues would arise if the Interconnection Customer~~Developer~~ interconnects without modifications to the ~~Large~~-Facility or the New York State Transmission System (or Distribution System as applicable). The ISO, in conjunction with the Connecting Transmission Owner, shall determine whether any Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, System Deliverability Upgrades, or System Protection Facilities, which are necessary to meet Applicable Laws and Regulations, Applicable Reliability Standards, and Good Utility Practice, are in place prior to the commencement of interconnection service from the ~~Large~~-Facility. Where available studies indicate that the Attachment Facilities, Distribution Upgrades, System Upgrade Facilities, System Deliverability Upgrades, or System Protection Facilities are required for the interconnection of a new, modified and/or expanded Large-Facility

but such facilities are not currently in place, the ISO, in conjunction with the Connecting Transmission Owner, will perform a study, at Interconnection Customer~~the Developer~~'s expense, to confirm the facilities that are required for Provisional Interconnection Service. The maximum permissible output of the ~~Large~~-Facility in the Provisional Large Facility Interconnection Agreement shall be studied, at Interconnection Customer~~the Developer~~'s expense, and updated annually. The ~~NY~~ISO shall issue the study's findings in writing to Interconnection Customer~~the Developer~~ and Connecting Transmission Owner(s). Following a determination by the ISO, in conjunction with the Connecting Transmission Owner, that Interconnection Customer~~the Developer~~ may reliably provide Provisional Interconnection Service, the ISO shall tender to Interconnection Customer~~the Developer~~ and Connecting Transmission Owner, a Provisional Standard~~Large Facility~~ Interconnection Agreement. The ISO, Interconnection Customer~~Developer~~, and Connecting Transmission Owner may execute the Provisional Standard~~Large Facility~~ Interconnection Agreement, or Interconnection Customer~~the Developer~~ may request the filing of an unexecuted Provisional Standard~~Large Facility~~ Interconnection Agreement with the Commission. Interconnection Customer~~The Developer~~ shall assume all risk and liabilities with respect to changes between the Provisional Standard~~Large Facility~~ Interconnection Agreement and the Standard~~Large Generator~~ Interconnection Agreement, including changes in output limits and the cost responsibilities for the Attachment Facilities, System Upgrade Facilities, System Deliverability Upgrades, and/or System Protection Facilities.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.23.2 ~~32.2~~ Fast Track Process

Commented [A1]: NYISO Comment: Relocated OATT Att. Z Section 32.2 to Attachment HH.

40.23.1 ~~32.2.1~~ Applicability

The Fast Track Process is available to an Interconnection Customer proposing to interconnect its ~~Small~~-Generating Facility that is 20 MW or smaller with a Connecting Transmission Owner's Distribution System if the ~~Small-Generating~~-Generating Facility's capacity does not exceed the size limits identified in the table below. ~~Small~~-Generating Facilities below these limits are eligible for review under the Fast Track Process. However, eligibility for the Fast Track Process is distinct from the Fast Track Process itself, and eligibility does not imply or indicate that a ~~Small~~-Generating Facility will pass the Fast Track Process screens in Section 40.23.2.1 ~~[*]32.2.2.1~~ below or the supplemental review screens in Section 40.21.4.4 ~~[*]32.2.4.4~~ below.

To the extent the Fast Track Request is withdrawn or deemed withdrawn, the Interconnection Customer may submit an Interconnection Request in a Cluster Study Application Window.

Eligibility for the Fast Track Process is determined based upon the generator type, the size of the generator, voltage of the line and the location of and type of line at the Point of Interconnection. All ~~Small-Generating~~ Facilities connecting to lines greater than 69 kilovolt (kV) are ineligible for the Fast Track Process regardless of size. All synchronous and induction machines must be no larger than 2 MW to be eligible for the Fast Track Process, regardless of location. For certified inverter-based systems, the size limit varies according to the voltage of the line at the proposed Point of Interconnection. Certified inverter-based ~~Small-Generating~~ Facilities located within 2.5 electrical circuit miles of a substation and on a mainline (as defined in the table below) are eligible for the Fast Track Process under the higher thresholds according

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

to the table below. In addition to the size threshold, the Interconnection Customer's proposed ~~Small~~ Generating Facility must meet the codes, standards, and certification requirements of Appendices [10](#)~~3~~ and [11](#)~~4~~ of these procedures, or the ISO, in consultation with the Connecting Transmission Owner, has to have reviewed the design or tested the proposed ~~Small~~ Generating Facility and is satisfied that it is safe to operate.

Fast Track Eligibility for Inverter-Based Systems		
Line Voltage	Fast Track Eligibility Regardless of Location	Fast Track Eligibility on a Mainline ¹ and ≤ 2.5 Electrical Circuit Miles from Substation ²
< 5 kV	≤ 500 kW	≤ 500 kW
≥ 5 kV and < 15 kV	≤ 2 MW	≤ 3 MW
≥ 15 kV and < 30 kV	≤ 3 MW	≤ 4 MW
≥ 30 kV and ≤ 69 kV	≤ 4 MW	≤ 5 MW

¹ For purposes of this table, a mainline is the three-phase backbone of a circuit. It will typically constitute lines with wire sizes of 4/0 American wire gauge, 336.4 kcmil, 397.5 kcmil, 477 kcmil and 795 kcmil.

² An Interconnection Customer can determine this information about its proposed interconnection location in advance by requesting a ~~p~~Pre-~~a~~Application ~~r~~Report pursuant to Section [40.4.2](#)~~32.1.2~~.

[40.23.2](#)~~32.2.2~~ Initial Review

Within 15 Business Days after the ISO notifies the Interconnection Customer it has received a complete [Fast Track](#)~~Interconnection~~ Request [in the form set forth in Appendix \[13\] to this Attachment HH](#), the ISO, in consultation with the Connecting Transmission Owner, shall perform an initial review using the screens set forth below, shall notify the Interconnection Customer of the results, and include with the notification copies of the analysis and data underlying the determinations under the screens.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.23.2.1~~32.2.2.1~~ **Screens**

40.23.2.1.1~~32.2.2.1.1~~ The proposed ~~Small~~ Generating Facility's Point of Interconnection must be on a portion of the Connecting Transmission Owner's Distribution System.

40.23.2.1.2~~32.2.2.1.2~~ For interconnection of a proposed ~~Small~~ Generating Facility to a radial distribution circuit, the aggregated generation, including the proposed ~~Small~~ Generating Facility, on the circuit shall not exceed 15% of the line section annual peak load as most recently measured at the substation. A line section is that portion of a Connecting Transmission Owner's electric system connected to a customer bounded by automatic sectionalizing devices or the end of the distribution line.

40.23.2.1.3~~32.2.2.1.3~~ For interconnection of a proposed ~~Small~~ Generating Facility to the load side of spot network protectors, the proposed ~~Small~~ Generating Facility must utilize an inverter-based equipment package and, together with the aggregated other inverter-based generation, shall not exceed the smaller of 5% of a spot network's maximum load or 50 kW.¹

¹ A spot network is a type of Distribution System found within modern commercial buildings to provide high reliability of service to a single customer. (Standard Handbook for Electrical Engineers, ~~11th edition~~, Donald Fink, McGraw Hill Book Company.)

40.23.2.1.4~~32.2.2.1.4~~ The proposed ~~Small~~ Generating Facility, in aggregation with other generation on the distribution circuit, shall not contribute more than 10% to the distribution circuit's maximum fault current at the point on the high voltage (primary) level nearest the proposed point of change of ownership.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.23.2.1.5](#)~~32.2.2.1.5~~ The proposed ~~Small~~ Generating Facility, in aggregate with other generation on the distribution circuit, shall not cause any distribution protective devices and equipment (including, but not limited to, substation breakers, fuse cutouts, and line reclosers), or Interconnection Customer equipment on the system to exceed 87.5% of the short circuit interrupting capability; nor shall the interconnection be proposed for a circuit that already exceeds 87.5% of the short circuit interrupting capability.

[40.23.2.1.6](#)~~32.2.2.1.6~~ Using the table below, determine the type of interconnection to a primary distribution line. This screen includes a review of the type of electrical service provided to the Interconnecting Customer, including line configuration and the transformer connection to limit the potential for creating over-voltages on the Connecting Transmission Owner's electric power system due to a loss of ground during the operating time of any anti-islanding function.

Primary Distribution Line Type	Type of Interconnection to Primary Distribution Line	Result/Criteria
Three-phase, three wire	3-phase or single phase, phase-to-phase	Pass screen
Three-phase, four wire	Effectively-grounded 3 phase or Single-phase, line-to-neutral	Pass screen

[40.23.2.1.7](#)~~32.2.2.1.7~~ If the proposed ~~Small~~ Generating Facility is to be interconnected on single-phase shared secondary, the aggregate generation capacity on the shared secondary, including the proposed ~~Small~~ Generating Facility, shall not exceed 20 kW.

[40.23.2.1.8](#)~~32.2.2.1.8~~ If the proposed ~~Small~~ Generating Facility is single-phase and is to be interconnected on a center tap neutral of a 240 volt service, its addition shall

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

[40.23.2.1.9](#)~~32.2.2.1.9~~ The ~~Small~~ Generating Facility, in aggregate with other generation interconnected to the transmission side of a substation transformer feeding the circuit where the ~~Small~~ Generating Facility proposes to interconnect shall not exceed 10 MW in an area where there are known, or posted, transient stability limitations to generating units located in the general electrical vicinity (*e.g.*, three or four transmission busses from the point of interconnection).

[40.23.2.1.10](#)~~32.2.2.1.10~~ No construction of facilities by the Connecting Transmission Owner on its own system shall be required to accommodate the ~~Small~~ Generating Facility.

[40.23.2.2](#)~~32.2.2.2~~ If the proposed interconnection passes the screens, the ~~Fast Track~~^{Interconnection} Request shall be approved and the ISO will provide the Interconnection Customer and the Connecting Transmission Owner a draft interconnection agreement within five Business Days after the determination.

[40.23.2.3](#)~~32.2.2.3~~ If the proposed interconnection fails the screens, but the ISO, in consultation with the Connecting Transmission Owner, determines that the ~~Small~~ Generating Facility may nevertheless be interconnected consistent with safety, reliability, and power quality standards, the ISO shall provide the Interconnection Customer and the Connecting Transmission Owner a draft interconnection agreement within five Business Days after the determination. To the extent appropriate, the ISO shall notify any Affected System or Connecting Transmission Owner prior to the determination to allow for potential input by the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Affected System or Connecting Transmission Owner. For purposes of this section, Affected System may include the portions of the New York State Transmission System that may be potentially affected.

40.23.2.4~~32.2.2.4~~ If the proposed interconnection fails the screens, but the ISO, in consultation with the Connecting Transmission Owner, does not or cannot determine from the initial review that the ~~Small~~ Generating Facility may nevertheless be interconnected consistent with safety, reliability, and power quality standards unless the Interconnection Customer is willing to consider Minor Modifications or further study, the ISO shall provide the Interconnection Customer with the opportunity to attend a customer options meeting.

40.23.3~~32.2.3~~ **Customer Options Meeting**

If the ISO, in consultation with the Connecting Transmission Owner, determines the Fast Track Interconnection Request cannot be approved without: (1) Minor Modifications at minimal cost, (2) a supplemental study or other additional studies or actions, or (3) incurring significant cost to address safety, reliability, or power quality problems, the ISO shall notify the Interconnection Customer of that determination within five Business Days after the determination and provide copies of all data and analyses underlying its conclusion. Within ten Business Days of the ISO's determination, the ISO shall offer to convene a customer options meeting with the Interconnection Customer and the Connecting Transmission Owner to review possible Interconnection Customer facility modifications or the screen analysis and related results, to determine, in consultation with the Connecting Transmission Owner, what further steps are needed to permit the ~~Small~~ Generating Facility to be connected safely and reliably. At the time of notification of the ISO's determination, or at the customer options meeting:

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.23.3.1~~32.2.3.1~~ The Connecting Transmission Owner shall offer to perform facility modifications or Minor Modifications to the Connecting Transmission Owner's electric system (e.g., changing meters, fuses, relay settings) and provide a non-binding good faith estimate of the limited cost to make such modifications to the Connecting Transmission Owner's electric system. If the Interconnection Customer agrees to pay for the modifications to the Connecting Transmission Owner's electric system, the ISO will provide the Interconnection Customer and the Connecting Transmission Owner with a draft interconnection agreement within ten Business Days of the customer options meeting; or

40.23.3.2~~32.2.3.2~~ The ISO shall offer to perform a supplemental review in accordance with Section 40.23.4~~32.2.4~~ and provide a non-binding good faith estimate of the costs of such review.~~or~~

~~32.2.3.3 The ISO shall offer to continue evaluating the Interconnection Request under the Section 3 Study Process.~~

40.23.4~~32.2.4~~ **Supplemental Review**

40.23.4.1~~32.2.4.1~~ To accept the offer of a supplemental review, the Interconnection Customer shall agree in writing and submit a deposit to the ISO for the estimated costs of the supplemental review in the amount of the good faith estimate of the costs of such review by the ISO, in consultation with the Connecting Transmission Owner, both within 15 Business Days of the offer. If the written agreement and deposit have not been received by the ISO within that timeframe, the Fast Track Request shall be withdrawn. ~~the Interconnection Request shall~~

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

~~continue to be evaluated under the Section 32.3 Study Process unless it is
withdrawn by the Interconnection Customer.~~

[40.23.4.2](#)~~32.2.4.2~~ The Interconnection Customer may specify the order in which the ISO, in consultation with the Connecting Transmission Owner, will complete the screens in Section [40.23.4.4](#)~~32.2.4.4~~.

[40.23.4.3](#)~~32.2.4.3~~ The Interconnection Customer shall be responsible for the ISO's and the Connecting Transmission Owner's actual costs for the supplemental review conducted by the ISO **in accordance with the requirements in Section [40.24.3](#)**~~40.24.3]. The Interconnection Customer must pay any review costs that exceed the deposit within 20 Business Days of receipt of the invoice or resolution of any dispute. If the deposit exceeds the invoiced costs, the ISO will return such excess within 20 Business Days of the invoice without interest.~~

[40.23.4.4](#)~~32.2.4.4~~ Within 30 Business Days following receipt of the deposit for a supplemental review, the ISO, in consultation with the Connecting Transmission Owner, shall: (1) perform a supplemental review using the screens set forth below; (2) notify in writing the Interconnection Customer of the results; and (3) include with the notification copies of the analysis and data underlying the ISO's and Connecting Transmission Owner's determination under the screens. Unless the Interconnection Customer provided instructions for how to respond to the failure of any of the supplemental review screens below at the time the Interconnection Customer accepted the offer of supplemental review, the ISO shall notify the Interconnection Customer following the failure of any of the screens, or if it is unable to perform the screen in Section [40.23.4.4.1](#)~~32.2.4.4.1~~,

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

within two Business Days of making such determination to obtain the Interconnection Customer's permission to: (1) continue evaluating the proposed interconnection under this Section [40.23.4.4](#)~~32.2.4.4~~; ~~(2) terminate the supplemental review and continue evaluating the Small Generating Facility under Section 32.3; or~~ ~~(3)~~ terminate the supplemental review upon withdrawal of the **Fast Track Interconnection** Request by the Interconnection Customer.

[40.23.4.4.1](#)~~32.2.4.4.1~~ Minimum Load Screen: Where 12 months of line section minimum load data (including onsite load but not station service load served by the proposed ~~Small~~ Generating Facility) are available, can be calculated, can be estimated from existing data, or determined from a power flow model, the aggregate generating facility capacity on the line section is less than 100% of the minimum load for all line sections bounded by automatic sectionalizing devices upstream of the proposed ~~Small~~ Generating Facility. If minimum load data is not available, or cannot be calculated, estimated or determined, the ISO, in consultation with the CTO, shall include the reason(s) that it is unable to calculate, estimate or determine minimum load in its supplemental review results notification under Section [40.23.4.4](#)~~32.2.4.4~~.

[40.23.4.4.1.1](#)~~32.2.4.4.1.1~~ The type of generation used by the proposed ~~Small~~ Generating Facility will be taken into account when calculating, estimating, or determining circuit or line section minimum load relevant for the application of this screen. Solar photovoltaic (PV) generation systems with no battery storage use daytime minimum load (*i.e.*, 10 a.m. to 4 p.m. for fixed panel systems and 8

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

a.m. to 6 p.m. for PV systems utilizing tracking systems), while all other generation uses absolute minimum load.

[40.23.4.4.1.2](#)~~32.2.4.4.1.2~~ When this screen is being applied to a ~~Small~~ Generating Facility that serves some station service load, only the net injection into the Connecting Transmission Owner's electric system will be considered as part of the aggregate generation.

[40.23.4.4.1.3](#)~~32.2.4.4.1.3~~ The ISO, in consultation with the Connecting Transmission Owner will not consider as part of the aggregate generation for purposes of this screen generating facility capacity known to be already reflected in the minimum load data.

[40.23.4.4.2](#)~~32.2.4.4.2~~ Voltage and Power Quality Screen: In aggregate with existing generation on the line section: (1) the voltage regulation on the line section can be maintained in compliance with relevant requirements under all system conditions; (2) the voltage fluctuations is within acceptable limits as defined by Institute of Electrical and Electronics Engineers (IEEE) Standard 1453, or utility practice similar to IEEE Standard 1453; and (3) the harmonic levels meet IEEE Standard 519 limits.

[40.23.4.4.3](#)~~32.2.4.4.3~~ Safety and Reliability Screen: The location of the proposed- ~~Small~~ Generating Facility and the aggregate generation capacity on the line section do not create impacts to safety or reliability that cannot be adequately addressed without application of the [Cluster](#) Study Process. The ISO, in consultation with the Connecting Transmission Owner, shall give due consideration to the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

following and other factors in determining potential impacts to safety and reliability in applying this screen.

[40.23.4.4.3.1](#)~~32.2.4.4.3.1~~ Whether the line section has significant minimum loading levels dominated by a small number of customers (*e.g.*, several large commercial customers).

[40.23.4.4.3.2](#)~~32.2.4.4.3.2~~ Whether the loading along the line section is uniform or even.

[40.23.4.4.3.3](#)~~32.2.4.4.3.3~~ Whether the proposed ~~Small~~ Generating Facility is located in close proximity to the substation (*i.e.*, less than 2.5 electrical circuit miles), and whether the line section from the substation to the Point of Interconnection is a mainline rated for normal and emergency ampacity.

[40.23.4.4.3.4](#)~~32.2.4.4.3.4~~ Whether the proposed ~~Small~~ Generating Facility incorporates a time delay function to prevent reconnection of the generator to the system until system voltage and frequency are within normal limits for a prescribed time.

[40.23.4.4.3.5](#)~~32.2.4.4.3.5~~ Whether operational flexibility is reduced by the proposed ~~Small~~ Generating Facility, such that transfer of the line section(s) of the ~~Small~~ Generating Facility to a neighboring distribution circuit/substation may trigger overloads or voltage issues.

[40.23.4.4.3.6](#)~~32.2.4.4.3.6~~ Whether the proposed ~~Small~~ Generating Facility employs equipment or systems certified by a recognized standards organization to address technical issues such as, but not limited to, islanding, reverse power flow, or voltage quality.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~40.23.4.5~~~~32.2.4.5~~ If the proposed interconnection passes the supplemental screens in Sections ~~40.23.4.4.1~~~~32.2.4.4.1~~, ~~40.23.4.4.2~~~~32.2.4.4.2~~, and ~~40.23.4.4.3~~~~32.2.4.4.3~~ above, the **Fast Track Interconnection** Request shall be approved and the ISO will provide the Interconnection Customer and the Connecting Transmission Owner with an executable interconnection agreement with the timeframes established in Sections ~~40.23.4.5.1~~~~32.2.4.5.1~~ and ~~40.23.4.5.2~~~~32.2.4.5.2~~ below. If the proposed interconnection fails any of the supplemental review screens, ~~the and the Interconnection Customer does not withdraw its~~ **Fast Track Interconnection** Request ~~shall be withdrawn, it shall continue to be evaluated under the Section 32.3 Study Process consistent with Section 32.2.4.5.3 below.~~

~~40.23.4.5.1~~~~32.2.4.5.1~~ If the proposed interconnection passes the supplemental screens in Sections ~~40.23.4.4.1~~~~32.2.4.4.1~~, ~~40.23.4.4.2~~~~32.2.4.4.2~~, and ~~40.23.4.4.3~~~~32.2.4.4.3~~ above and does not require construction of facilities by the Connecting Transmission Owner on its own system, the interconnection agreement shall be provided within ten Business Days after the notification of the supplemental review results.

~~40.23.4.5.2~~~~32.2.4.5.2~~ If interconnection facilities or Minor Modifications to the Connecting Transmission Owner's system are required for the proposed interconnection to pass the supplemental screens in Sections ~~40.23.4.4.1~~~~32.2.4.4.1~~, ~~40.23.4.4.2~~~~32.2.4.4.2~~, and ~~40.23.4.4.3~~~~32.2.4.4.3~~ above, and the Interconnection Customer agrees to pay for the modifications to the Connecting Transmission Owner's electric system, the interconnection agreement, along with a non-binding good faith estimate for the interconnection

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

facilities and/or Minor Modifications, shall be provided to the Interconnection Customer within 15 Business Days after receiving written notification of the supplemental review results.

~~40.23.4.5.3~~~~32.2.4.5.3~~ If the proposed interconnection would require more than interconnection facilities or Minor Modifications to the Connecting Transmission Owner's system to pass the supplemental screens in Sections ~~40.23.4.4.1~~~~32.2.4.4.1~~, ~~40.23.4.4.2~~~~32.2.4.4.2~~, and ~~40.23.4.4.3~~~~32.2.4.4.3~~ above, the ISO shall notify the Interconnection Customer, at the same time it notifies the Interconnection Customer with the supplemental review results, that the **Fast Track Interconnection** Request shall be withdrawn from the Queue. ~~shall be evaluated under the Section 32.3 Study Process unless the Interconnection Customer withdraws its Small Generating Facility.~~

40.24~~30.13~~ Miscellaneous

40.24.1~~30.13.1~~ Confidentiality

Certain information exchanged by the Parties during the administration of these

Standard~~Large Facility~~ Interconnection Procedures shall constitute confidential information (“Confidential Information”) and shall be subject to this Section 40.24.1~~30.13.1~~.

The following shall constitute Confidential Information: (1) any non-public information that is treated as confidential by the disclosing Party and which the disclosing Party identifies as Confidential Information in writing at the time, or promptly after the time, of disclosure; or (2) information designated as Confidential Information by the ISO Code of Conduct contained in Attachment F to the ISO OATT.

If requested by either Party receiving information, the Party supplying information shall provide in writing, the basis for asserting that the information referred to in this Article warrants confidential treatment, and the requesting Party may disclose such writing to the appropriate Governmental Authority. Each Party shall be responsible for the costs associated with affording confidential treatment to its information.

40.24.1.1~~30.13.1.1~~ Scope

Confidential Information shall not include information that the receiving Party can demonstrate: (1) is generally available to the public other than as a result of a disclosure by the receiving Party; (2) was in the lawful possession of the receiving Party on a non-confidential basis before receiving it from the disclosing Party; (3) was supplied to the receiving Party without restriction by a third party, who, to the knowledge of the receiving Party after due inquiry, was under no obligation to the disclosing Party to keep such information confidential; (4) was independently developed by the receiving Party without reference to Confidential

Commented [A1]: NYISO Comment: Relocated OATT Att. X Section 30.13 to Attachment HH.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Information of the disclosing Party; (5) is, or becomes, publicly known, through no wrongful act or omission of the receiving Party or Breach of the Standard ~~Large Generator~~ Interconnection Agreement; or (6) is required, in accordance with Section ~~40.24.1.6~~30.13.1.6, Order of Disclosure, to be disclosed by any Governmental Authority or is otherwise required to be disclosed by law or subpoena, or is necessary in any legal proceeding establishing rights and obligations under the Standard ~~Large Generator~~ Interconnection Agreement. Information designated as Confidential Information will no longer be deemed confidential if the Party that designated the information as confidential notifies the other Party that it no longer is confidential.

40.24.1.2~~30.13.1.2~~ **Release of Confidential Information**

No Party shall release or disclose Confidential Information to any other person, except to its Affiliates (limited by FERC Standards of Conduct requirements), employees, consultants, or to parties who may be or considering providing financing to or equity participation with ~~Interconnection Customer~~Developer, or to potential purchasers or assignees of ~~Interconnection Customer~~Developer, on a need-to-know basis in connection with these procedures, unless such person has first been advised of the confidentiality provisions of this Section ~~40.24.1~~30.13.1 and has agreed to comply with such provisions. Notwithstanding the foregoing, a Party providing Confidential Information to any person shall remain primarily responsible for any release of Confidential Information in contravention of this Section ~~40.24.1~~30.13.1.

40.24.1.3~~30.13.1.3~~ **Rights**

Each Party retains all rights, title, and interest in the Confidential Information that each Party discloses to another Party. The disclosure by each Party to the other Parties of

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Confidential Information shall not be deemed a waiver by any Party or any other person or entity of the right to protect the Confidential Information from public disclosure.

40.24.1.4~~30.13.1.4~~ **No Warranties**

By providing Confidential Information, no Party makes any warranties or representations as to its accuracy or completeness. In addition, by supplying Confidential Information, no Party obligates itself to provide any particular information or Confidential Information to the other Parties nor to enter into any further agreements or proceed with any other relationship or joint venture.

40.24.1.5~~30.13.1.5~~ **Standard of Care**

Each Party shall use at least the same standard of care to protect Confidential Information it receives as it uses to protect its own Confidential Information from unauthorized disclosure, publication or dissemination. Each Party may use Confidential Information solely to fulfill its obligations to the other Parties under these procedures or its regulatory requirements, including the ISO OATT and ~~NY~~ISO Services Tariff. The ISO shall, in all cases, treat the information it receives in accordance with the requirements of Attachment F to the ISO OATT.

40.24.1.6~~30.13.1.6~~ **Order of Disclosure**

If a court or a Government Authority or entity with the right, power, and apparent authority to do so requests or requires any Party, by subpoena, oral deposition, interrogatories, requests for production of documents, administrative order, or otherwise, to disclose Confidential Information, that Party shall provide the other Parties with prompt notice of such request(s) or requirement(s) so that the other Parties may seek an appropriate protective order or waive compliance with the terms of the Standard ~~Large Generator~~ Interconnection Agreement.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Notwithstanding the absence of a protective order or waiver, the Party may disclose such Confidential Information which, in the opinion of its counsel, the Party is legally compelled to disclose. Each Party will use Reasonable Efforts to obtain reliable assurance that confidential treatment will be accorded any Confidential Information so furnished.

40.24.1.7~~30.13.1.7~~ **Remedies**

The Parties agree that monetary damages would be inadequate to compensate a Party for another Party's **Breach** of its obligations under this Section 40.24.1~~30.13.1~~. Each Party accordingly agrees that the other Parties shall be entitled to equitable relief, by way of injunction or otherwise, if the first Party **Breaches** or threatens to **Breach** its obligations under this Section 40.24.1~~30.13.1~~, which equitable relief shall be granted without bond or proof of damages, and the receiving Party shall not plead in defense that there would be an adequate remedy at law. Such remedy shall not be deemed an exclusive remedy for the **Breach** of this Section 40.24.1~~30.13.1~~, but shall be in addition to all other remedies available at law or in equity. The Parties further acknowledge and agree that the covenants contained herein are necessary for the protection of legitimate business interests and are reasonable in scope. No Party, however, shall be liable for indirect, incidental, or consequential or punitive damages of any nature or kind resulting from or arising in connection with this Section 40.24.1~~30.13.1~~.

40.24.1.8~~30.13.1.8~~ **Disclosure to FERC, its Staff, or a State**

Notwithstanding anything in this Section 40.24.1~~30.13.1~~ to the contrary, and pursuant to 18 C.F.R. section 1b.20, if FERC or its staff, during the course of an investigation or otherwise, requests information from one of the Parties that is otherwise required to be maintained in confidence pursuant to these Standard~~Large Facility~~ Interconnection Procedures or the ISO OATT, the Party shall provide the requested information to FERC or its staff, within the time

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

provided for in the request for information. In providing the information to FERC or its staff, the Party must, consistent with 18 C.F.R. section 388.112, request that the information be treated as confidential and non-public by FERC and its staff and that the information be withheld from public disclosure. Parties are prohibited from notifying the other Parties prior to the release of the Confidential Information to the Commission or its staff. The Party shall notify the other Parties to the [Standard Interconnection Agreement](#) ~~L-GIA~~ when it is notified by FERC or its staff that a request to release Confidential Information has been received by FERC, at which time either of the Parties may respond before such information would be made public, pursuant to 18 C.F.R. section 388.112. Requests from a state regulatory body conducting a confidential investigation shall be treated in a similar manner consistent with applicable state rules or regulations. A Party shall not be liable for any losses, consequential or otherwise, resulting from that Party divulging Confidential Information pursuant to a FERC or state regulatory body request under this paragraph.

~~40.24.1.9~~~~30.13.1.9~~ Subject to the exception in Section ~~40.24.1.8~~~~30.13.1.8~~ of the [Standard Interconnection Procedures](#), no Party shall disclose Confidential Information to any person not employed or retained by the Party possessing the Confidential Information, except to the extent disclosure is (i) required by law; (ii) reasonably deemed by the disclosing Party to be required to be disclosed in connection with a dispute between or among the Parties, or the defense of litigation or dispute; (iii) otherwise permitted by consent of the supplying Party, such consent not to be unreasonably withheld; or (iv) necessary to fulfill its obligations under these [Standard](#)~~Large Facility~~ Interconnection Procedures, the ISO OATT or ~~NY~~ISO Services Tariff. Prior to any disclosures of a Party's

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Confidential Information under this subparagraph, or if any third party or Governmental Authority makes any request or demand for any of the information described in this subparagraph, the disclosing Party agrees to promptly notify the other Parties in writing and agrees to assert confidentiality and cooperate with the other Parties in seeking to protect the Confidential Information from public disclosure by confidentiality agreement, protective order or other reasonable measures.

[40.24.1.10](#)~~30.13.1.10~~ This provision shall not apply to any information that was or is hereafter in the public domain (except as a result of a **Breach** of this provision).

[40.24.1.11](#)~~30.13.1.11~~ The ISO and Connecting Transmission Owner shall, at [Interconnection Customer](#)~~Developer~~'s election, destroy, in a confidential manner, or return the Confidential Information provided at the time of Confidential Information is no longer needed.

[40.24.2](#)~~30.13.2~~ **Delegation of Responsibility**

The ISO may use the services of subcontractors as it deems appropriate to perform its obligations under these [Standard](#)~~Large Facility~~ Interconnection Procedures. The ISO shall remain primarily liable to the [Interconnection Customer](#)~~Developer~~ for the performance of such subcontractors and compliance with its obligations under these [Standard](#)~~Large Facility~~ Interconnection Procedures. The subcontractor shall keep all information provided confidential and shall use such information solely for the performance of such obligation for which it was provided and no other purpose.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.24.330.13 Payments and Invoicing

40.24.3.1 Obligation to Pay for Study Costs under Standard Interconnection Procedures and Study Deposits

Commented [A2]: NYISO Comment: NYISO consolidated invoicing rules for Cluster Study Process and other Att. HH studies in this Section 40.24.3.

40.24.30.13.3.1 The ISO shall charge and Interconnection Customer ~~Developer~~ shall pay the actual costs of the study work ~~Interconnection Studies~~ of the Cluster Study Process incurred by the ISO and Transmission Owner under these Standard Interconnection Procedures, after the Interconnection Customer has submitted its Interconnection Request or CRIS-Only Request.

40.24.3.1.2 The ISO shall charge and Interconnection Customer shall pay the actual costs of the study work of an Expedited Deliverability Study performed pursuant to Section [40.19], an Affected System Study performed pursuant to Section [40.8.3], a Fast Track Process supplemental review performed pursuant to Section [40.23.4], or review of a Facility Modification Request pursuant to Section [40.6.3.2], which costs are incurred by the ISO and Transmission Owners under these Standard Interconnection Procedures.

~~If a number of Interconnection Studies are conducted concurrently as a combined study, except for a Class Year Interconnection Facilities Study, each Developer shall pay an equal share of the actual cost of the combined study. However, no Developer electing to be evaluated only for ERIS shall be responsible for any cost of any CRIS evaluation in the combined study and any Class Year Project that that elects, pursuant to Section 25.7.7.1 of Attachment S, to withdraw from the Class Year Interconnection Facilities Study, withdraw its CRIS request or elect to have no System Deliverability Upgrade identified to make the project deliverable at its~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

level of requested CRIS, shall not be responsible for any additional detailed studies required for System Deliverability Upgrades.

40.24.3.2 Study Cost Allocation

40.24.3.2.1 Cluster Study Process Cost Allocation

40.24.3.2.1.1 Beginning with the Class Year subsequent to Class Year 2012, Class Year Cluster Study Projects shall be responsible for Class Year Interconnection Facilities Cluster Study costs in the following manner: (1) each Cluster Study ass Year Project shall pay the actual cost of studying the Attachment Facilities, Interconnection Facilities and Distribution Upgrades for its own facility; (2) each Cluster Study Class Year Project shall pay the actual cost of studying Local System Upgrade Facilities for its own facility; and (3) each Cluster Study ass Year Project in a Class Year shall pay an equal share of all other Cluster Class Interconnection Facilities Study costs (*i.e.*, those not related to Attachment Facilities, Interconnection Facilities, Distribution Upgrades or Local System Upgrade Facilities).

40.24.3.2.1.2 With respect to the costs of studying the Attachment Facilities, Interconnection Facilities and Distribution Upgrades referenced above, if more than one Cluster Study Class Year Project contributes to the need for particular Attachment Facilities, Interconnection Facilities or Distribution Upgrades, those Cluster Study ass Year Projects shall share equally in the cost to study those Attachment Facilities, Interconnection Facilities or Distribution Upgrades.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.24.3.2.1.3 With respect to the costs of studying the Local System Upgrade Facilities referenced above, if more than one Cluster Study~~Class Year~~ Project contributes to the need for particular Local System Upgrade Facilities, those Cluster Study~~Class Year~~ Projects shall share equally in the cost to study those Local System Upgrade Facilities.

40.24.3.2.1.4 Notwithstanding the above study cost allocation requirements, If a number of Interconnection Studies are conducted concurrently as a combined study, except for a Class Year Interconnection Facilities Study, each Developer shall pay an equal share of the actual cost of the combined study. However, no Interconnection Customer-Developer electing to be evaluated only for ERIS shall be responsible for any cost of any CRIS evaluation in the Cluster Studycombined study, and any Cluster Study~~Class Year~~ Project that that elects, pursuant to Section [40.6.4.1]25.7.7.1 of Attachment S, to withdraw from the Cluster Class Year Interconnection Facilities Study, withdraw its CRIS request, or elect to have no System Deliverability Upgrade identified to make the project deliverable at its level of requested CRIS, shall not be responsible for the costs of any additional detailed studies required for System Deliverability Upgrades.

~~Any difference between the study deposit and the actual cost of the applicable Interconnection Study shall be paid by or refunded, except as otherwise provided herein, to the Class Year Project or offset against the cost of any future Interconnection Studies associated with the applicable Interconnection Request prior to beginning of any such future Interconnection Studies.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.24.3.2.2 Expedited Deliverability Study Process Cost Allocation

Each project participating in an Expedited Deliverability Study shall pay an equal share of the study costs for the study.

40.24.3.2.3 Affected System Study Process Cost Allocation

Each project participating in an Affected System Study shall pay an equal share of the Affected System Study costs required for the identification of the need for any Affected Network Upgrade Facilities. With respect to the costs of identifying any Affected System Network Upgrades, if more than one project contributes to the need for particular Affected System Network Upgrade, those projects shall share equally in the cost to study the Affected System Network Upgrade.

40.24.3.2.4 Fast Track Process Supplemental Review

The entity for which the ISO performs a supplemental review under the Fast Track Process in accordance with Section [40.23.4] shall be responsible for the study costs concerning the supplemental review.

40.24.3.2.5 Facility Modification Request Study

The entity for which the ISO performs a study in response to its Facility Modification Request in accordance with Section [40.6.3.2] shall be responsible for the study costs concerning the Facility Modification Request.

40.24.3.3 Obligation to Pay Withdrawal Penalties and Application of Withdrawal Penalties

40.24.3.3.1 The ISO shall charge, and Interconnection Customer shall pay, any Withdrawal Penalty assessed under Sections [40.6.5], [40.7.6], [40.10.9], and

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.15.5]. Any Withdrawal Penalty is in addition to the Interconnection

Customer's responsibility to pay for costs described in Section [40.24.3.1].

40.24.3.3.2 A Withdrawal Penalty for a Study Deposit is calculated using the initial

Study Deposit amount provided by the Interconnection Customer with its

Interconnection Request or CRIS-Only Request, regardless of whether the ISO

has had to draw on the Study Deposit to recover any study costs that

Interconnection Customer has not paid.

40.24.3.3.3 The ISO shall apply the collected Withdrawal Penalty Funds pursuant to

Section [40.6.5].

40.24.3.3.4 The ISO shall not be liable for unpaid Withdrawal Penalties and may not

collect them from other Interconnection Customers or Transmission Customers.

40.24.3.4 Invoicing and Payment

40.24.3.4.1 The ISO shall invoice the Interconnection Customer monthly for the costs

described in Section [40.24.3.1] incurred administrative and study costs as

described above. The ISO shall invoice for Withdrawal Penalties after they are

assessed.

40.24.3.4.2 The Interconnection Customer shall pay the invoiced amount to the ISO

within thirty (30) calendar days of the ISO's issuance of the invoice. Except as

otherwise provided in Section [40.24.3.6], if the Interconnection Customer does

not pay its invoice within the timeframe described above, it shall be subject to

withdrawal pursuant to Section [40.6.4] to this Attachment HH.

40.24.3.4.3 This section applies to deposits provided under this Attachment HH with the

exception of Site Control Deposits. The ISO shall hold deposits provided by

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

Interconnection Customer until settlement of the final invoices. If
Interconnection Customer has not paid all invoices, including invoices for
Withdrawal Penalties, the NYISO shall (i) recover any unpaid costs described in
Section [40.24.3.1] from Interconnection Customer's deposits and then (ii)
recover any Withdrawal Penalties from Interconnection Customer's deposits.
After the ISO has recovered all unpaid costs and penalties, if any, from
Interconnection Customer's deposits, the ISO will (i) refund to the Interconnection
Customer any remaining refundable cash portion of its deposits, and (ii) authorize
Interconnection Customer to request that the bank cancel any remaining letter of
credit provided as a deposit.

40.24.3.5 Any invoices for ~~Interconnection~~the Cluster Study~~ies~~ must be submitted to the ISO within sixty (60) days of completion of the subject Interconnection Study and shall include a detailed and itemized accounting of the incurred cost of the study work for the~~each Cluster Study. Interconnection Study. Developers and~~ Interconnection Customers shall pay any such undisputed costs within thirty (30) Calendar Days of receipt of an invoice therefore. After the conclusion of the Cluster Study Process or if, prior to the conclusion of the Cluster Study Process, the Interconnection Customer withdraws or is withdrawn from the Queue, the ISO shall issue a final invoice to Interconnection Customer, which Interconnection Customer shall pay within the timeframe set forth in Section [40.24.3.6].

40.24.3.6 In the event of an Interconnection Customer's dispute over invoiced amounts, the Interconnection Customer shall: (i) timely pay any undisputed amounts to the ISO, and (ii) pay into an independent escrow account the portion of the invoice in

*IITF February 16, 2024 Working Draft
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dispute, pending resolution of such dispute. If the Interconnection Customer fails to meet these two requirements, then the ISO shall not be obligated to perform or continue to perform any study work on behalf of the Interconnection Customer' Interconnection Request, CRIS-Only Request, or other study request under this Attachment HH. Disputes arising under this section shall be addressed through the Dispute Resolution Procedures set forth in Section [40.24.5] to this Attachment HH. Within thirty (30) Calendar Days after resolution of the dispute, the Interconnection Customer will pay the ISO any amounts due with interest actually earned on such amounts.

40.24.3.6 Neither the ISO nor ~~Connecting~~ Transmission Owner shall be obligated to perform or continue to perform any study work on behalf of an Interconnection Customer's Interconnection Request, CRIS-Only Request, or other study request under this Attachment HH.ies unless ~~Developer (or Interconnection Customer, as applicable)~~ has paid all undisputed amounts in compliance ~~with herewith~~ Section 40.24.3.6.

4.24.4~~30.13.4~~ **Third Parties Conducting Studies**

~~If (i) at the time that ISO provides a good faith estimate of the time to complete or at the time of the signing of an Interconnection Facilities Study Agreement there is disagreement as to the estimated time to complete an Interconnection Study, (ii) the Developer receives notice pursuant to Sections 30.6.3, 30.7.4 or 30.8.3 that the ISO will not complete an Interconnection Study within the applicable timeframe for such Interconnection Study, or (iii) the Developer receives neither the Interconnection Study nor a notice under Sections 30.6.3, 30.7.4 or 30.8.3 within the applicable timeframe for such Interconnection Study, then the Developer may request~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~the ISO to utilize a consultant or other third party reasonably acceptable to the Developer and the ISO to perform such Interconnection Study under the direction of the ISO. At other times, t~~The
ISO, Connecting Transmission Owner, Affected Transmission Owner, and Affected System
Operator may ~~also~~ utilize a Connecting Transmission Owner or other third party to perform its
respective obligations under the Cluster Study Process~~to such Interconnection Study, either in~~
~~response to a general request of the Developer, or on its own volition.~~ In all cases, use of a third
party shall be in accord with Article 26 of the LGIA (Subcontractors), ~~and~~ limited to situations
where the ISO determines that doing so will help maintain or accelerate the Cluster Sstudy,
~~process for the Developer's pending Interconnection Request and not interfere with the ISO's~~
~~progress on Interconnection Studies for other pending Interconnection Requests. In cases where~~
~~the Developer requests to use a third party to perform such Interconnection Study, the Developer,~~
~~the ISO and Connecting Transmission Owner shall negotiate all of the pertinent terms and~~
~~conditions, including reimbursement arrangements and the estimated study completion date and~~
~~study review deadline. The ISO shall convey all workpapers, data bases, study results and all~~
~~other supporting documentation prepared to date with respect to the Interconnection Request as~~
~~soon as practicable upon the Developer's request subject to the confidentiality provision in~~
~~Section 30.13.1. In any case, such third party study contract may be entered into with either the~~
~~Developer or the ISO at the ISO's discretion. If a Developer enters into a third party study~~
~~contract, the Developer shall provide the study to the ISO and the Connecting Transmission~~
~~Owner for review, and such third party study contract shall provide for reimbursement by the~~
~~Developer of the ISO's and Connecting Transmission Owner's actual cost of participating in and~~
~~reviewing the study. In the case of (iii) above in this Section 30.13.4, the Developer maintains~~
~~its right to submit a claim to Dispute Resolution to recover the costs of such third party study.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~Such third party shall be required to comply with these Large Facility Interconnection Procedures, Article 26 of the LGIA (Subcontractors),~~ and the relevant ISO OATT procedures and protocols as would apply if the ISO were to conduct the ~~Interconnection~~ Cluster Study and shall use the information provided to it solely for purposes of performing such services and for no other purposes. ~~The ISO and Connecting Transmission Owner shall cooperate with such third party and Developer to complete and issue the Interconnection Study in the shortest reasonable time.~~

40.24.5~~30.13.5~~ **Disputes**

40.24.5.1~~30.13.5.1~~ **Submission**

In the event any Party has a dispute, or asserts a claim, that arises out of or in connection with the Standard Interconnection Agreement~~LGIA~~, these Standard ~~Large Facility~~ Interconnection Procedures, or their performance (a “Dispute”), such Party shall provide the other Parties with written notice of the Dispute (“Notice of Dispute”). Such Dispute shall be referred to a designated senior representative of each Party for resolution on an informal basis as promptly as practicable after receipt of the Notice of Dispute by the other Parties. In the event the designated representatives are unable to resolve the claim or dispute through unassisted or assisted negotiations within thirty (30) Calendar Days of the other Parties’ receipt of the Notice of Dispute, such Dispute may, upon mutual agreement of the Parties, be submitted to arbitration and resolved in accordance with the arbitration procedures set forth below. In the event the Parties do not agree to submit such Dispute to arbitration, each Party may exercise whatever rights and remedies it may have in equity or at law consistent with the terms of the Standard ~~Large Generator~~ Interconnection Agreement.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

40.24.5.2~~30.13.5.2~~ External Arbitration Procedures

Any arbitration initiated under these procedures shall be conducted before a single neutral arbitrator appointed by the Parties. If the Parties fail to agree upon a single arbitrator within ten (10) Calendar Days of the submission of the Dispute to arbitration, each Party shall choose one arbitrator who shall sit on a three-member arbitration panel. The arbitrators so chosen shall within twenty (20) Calendar Days select one of them to chair the arbitration panel. In each case, the arbitrators shall be knowledgeable in electric utility matters, including electric transmission and bulk power issues, and shall not have any current or past substantial business or financial relationships with any party to the arbitration (except prior arbitration). The arbitrator(s) shall provide each of the Parties an opportunity to be heard and, except as otherwise provided herein, shall conduct the arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association (“Arbitration Rules”) and any applicable FERC regulations or RTO rules; provided, however, in the event of a conflict between the Arbitration Rules and the terms of this Section 40.24.5~~30.13~~, the terms of this Section 40.24.5~~30.13~~ shall prevail.

40.24.5.3~~30.13.5.3~~ Arbitration Decisions

Unless otherwise agreed by the Parties, the arbitrator(s) shall render a decision within ninety (90) Calendar Days of appointment and shall notify the Parties in writing of such decision and the reasons therefor. The arbitrator(s) shall be authorized only to interpret and apply the provisions of the Standard Interconnection Agreement and Standard Interconnection Procedures~~LGIA and LFIP~~ and shall have no power to modify or change any provision of the Standard Interconnection Agreement and Standard Interconnection Procedures~~LGIA and LFIP~~ in any manner. The decision of the arbitrator(s) shall be final and binding upon the Parties, and judgment on the award may be entered in any court having jurisdiction. The decision of the

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

arbitrator(s) may be appealed solely on the grounds that the conduct of the arbitrator(s), or the decision itself, violated the standards set forth in the Federal Arbitration Act or the Administrative Dispute Resolution Act. The final decision of the arbitrator must also be filed with FERC if it affects jurisdictional rates, terms and conditions of service, Attachment Facilities, Distribution Upgrades, ~~or~~ System Upgrade Facilities, or System Deliverability Upgrades.

40.24.5.4~~30.13.5.4~~ **Costs**

Each Party shall be responsible for its own costs incurred during the arbitration process and for the following costs, if applicable: (1) the cost of the arbitrator chosen by the Party to sit on the three member panel; or (2) one-third the cost of the single arbitrator jointly chosen by the Parties.

40.24.5.5~~30.13.5.5~~ **Non-Binding Dispute Resolution Procedures**

If a Party has submitted a Notice of Dispute pursuant to Section 40.24.5.1~~30.13.5.1~~ and the Parties are unable to resolve the claim or dispute through unassisted or assisted negotiations within the thirty (30) Calendar Days provided in that section, and the Parties cannot reach mutual agreement to pursue the Section 40.24.5~~30.13.5~~ arbitration process, a Party may request that the ISO engage in Non-binding Dispute Resolution pursuant to this section by providing written notice to the ISO (“Request for Non-Binding Dispute Resolution”). Such Request for Non-Binding Disputes Resolution shall contain: (i) the name of the Party making the request, (ii) an indication of the Interconnection Customer~~Developer~~, Connecting Transmission Owner, Affected Transmission Owner, and/or other potentially affected parties, to the extent known, (iii) a description of the dispute with sufficient detail to apprise the ISO, Interconnection Customer~~Developer~~, Connecting Transmission Owner, Affected Transmission Owner, and/or

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

other potentially affected parties the nature of the claim, (vi) copies of any materials that the Interconnection Customer~~Developer~~ has relied on to support its initial Notice of Dispute pursuant to Section 40.24.5.1~~30.13.5.1~~, if applicable, and (v) citations to the ISO Tariffs and other relevant materials upon which the Party's dispute relies. Conversely, any Party may file a Request for Non-Binding Dispute Resolution pursuant to this section without first seeking mutual agreement to pursue the Section 40.24.5~~30.13.5~~ arbitration process. The process in Section 40.24.5~~30.13.5~~ shall serve as an alternative to, and not a replacement of, the Section 40.24.5~~30.13.5~~ arbitration process. Pursuant to this process, the ISO must within thirty (30) Calendar Days of receipt of the Request for Non-Binding Dispute Resolution appoint a neutral decision-maker that is an independent subcontractor that shall not have any current or past substantial business or financial relationships with either Party. Any individual appointed as a neutral decision-maker shall make known to the disputing parties any such disqualifying relationship or interest and a new neutral decision-maker shall be appointed, unless express written consent is provided by each Party to the dispute.

Unless otherwise agreed by the Parties, the neutral decision-maker shall render a decision within sixty (60) Calendar Days of appointment and shall notify the Parties in writing of such decision and reasons therefore. This neutral decision-maker shall be authorized only to interpret and apply the provisions of the Standard ~~Large Facility~~ Interconnection Procedures and Standard ~~Large Generator~~ Interconnection Agreement and shall have no power to modify or change any provision of the Standard ~~Large Facility~~ Interconnection Procedures and Standard~~Large Generator~~ Interconnection Agreement in any manner. The result reached in this process is not binding, but, unless otherwise agreed, the Parties may cite the record and decision in the non-binding dispute resolution process in future dispute resolution processes, including in

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

a Section ~~40.24.5~~~~30.13.5~~ arbitration, or in a Federal Power Act section 206 complaint. Each Party shall be responsible for its own costs incurred during the process and the cost of the neutral decision-maker shall be divided equally among each Party to the dispute.

~~40.24.6~~~~30.13.6~~ Local Furnishing Bonds and Other Tax-Exempt Financing

~~40.24.6.1~~~~30.13.6.1~~ Connecting Transmission Owners and Affected Transmission Owner(s) that Own Facilities Financed by Local Furnishing Bonds or Other Tax-Exempt Bonds

This provision is applicable only to a Connecting Transmission Owner or Affected Transmission Owner(s) that has financed facilities with tax-exempt bonds including, but not limited to, Local Furnishing Bonds (“Tax-Exempt Bonds”). Notwithstanding any other provision of this [Standard Interconnection Agreement and Standard Interconnection Procedures](#)~~LGIA and LFIP~~, neither the ISO nor Connecting Transmission Owner shall be required to provide interconnection service to [Interconnection Customer](#)~~Developer~~, nor shall any Connecting Transmission Owner or Affected Transmission Owner be required to construct System Upgrade Facilities or System Deliverability Upgrades, pursuant to this [Standard Interconnection Agreement and Standard Interconnection Procedures](#)~~LGIA and LFIP~~, if the provision of such interconnection service or such construction would jeopardize the tax-exempt status of any Tax-Exempt Bonds or impair the ability of Connecting Transmission Owner or Affected Transmission Owner(s) to issue future tax-exempt obligations. For purposes of this provision, Tax-Exempt Bonds shall include the obligations of the Long Island Power Authority, NYPA and Consolidated Edison Company of New York, Inc., the interest on which is not included in gross income under the Internal Revenue Code.

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

40.24.6.2~~30.13.6.2~~ Alternate Procedures for Requesting Interconnection Service

If a Connecting Transmission Owner or Affected Transmission Owner(s) determines that the provision of interconnection service requested by an Interconnection Customer~~Developer~~ would jeopardize the tax-exempt status of any Tax-Exempt Bond(s) used to finance its facilities that would be used in providing such interconnection service, or impair its ability to issue future tax-exempt obligations, Connecting Transmission Owner or Affected Transmission Owner(s) shall advise the Interconnection Customer~~Developer~~ and the ISO within thirty (30) Calendar days of receipt of the Interconnection Request.

The Interconnection Customer~~Developer~~ thereafter may renew its request for interconnection using the process specified in Section 40.5~~30.3~~ of the ISO OATT.

APPENDIX 1 TO ATTACHMENT HH-TO-LFP - INTERCONNECTION REQUEST

Commented [A1]: NYISO Comment: Relocated Att. X Appx 1 Interconnection Form to Att. HH, as revised.

1. ~~1.~~ The undersigned ~~Developer~~ Interconnection Customer submits this request to interconnect its ~~Large Generating Facility or Class Year Transmission Project~~ with the New York State Transmission System or Distribution System pursuant to the Standard ~~Large Facility~~ Interconnection Procedures in the ISO OATT (~~"LFP"~~).

2. ~~2.~~ This Interconnection Request is for [insert project name]: _____

_____, which is

(check one of the following):

☐ ~~A~~ proposed new ~~Large~~ Generating Facility

☐ A proposed multi-unit ~~Large~~ Generating Facility

☐ A proposed new BTM:NG Resource

☐ ~~A~~ proposed new Cluster Study ~~ass Year~~ Transmission Project

☐ ~~A~~ material modification to a proposed or existing facility (e.g., an increase in the capacity of an existing facility beyond the permissible de minimis increases permitted under Section ~~30.3.1~~ 40.2.3 of Attachment ~~HH~~ X to the ISO OATT)

If capacity addition to an existing facility, please describe:

3. Is this Project mutually exclusive with another project proposed by the Interconnection Customer or its Affiliate in the current ongoing Small Generator Facilities Study, Class Year Study, or Cluster Study?

Yes No

Indicate the Queue Position

If yes, is the Interconnection Customer submitting the Project as a Contingent Project in accordance with Section 40.5.4.1? Yes No

3. Does this Project have ongoing Optional Feasibility Study, System Impact Study, or System Reliability Impact Study?

Yes No

Indicate the Queue Position

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

4. Will the Generating Facility be used for any of the following?

Net Metering? Yes No

To supply power other than to others through wholesale sales over the New York State?

To participate in the wholesale market exclusively through a DER Aggregation? Yes

No

To Supply Power to a Host Load? Yes No

~~3.5.3.~~ Legal Name of the ~~Developer~~ Interconnection Customer (or, if an individual, individual's name) (must be a single individual or entity):

Name of Interconnection Customer ~~Developer~~: _____

Contact Person: _____

Title: _____

Address: _____

~~_____~~ Email: _____

Telephone: _____

~~4.6.~~ Address or location of the proposed new ~~Large~~ Facility site (to the extent known) or, in the case of an existing ~~Generating Facility or Class Year Transmission Project~~, the name and specific location of that existing facility: _____

7. Requested Point of Interconnection and ~~4. Approximate location, and, if available, address, coordinates,~~ of the proposed Point(s) of Interconnection:

POI (name of the substation name (specify PSSE bus number) or

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

transmission/distribution line name and number (specify from/to PSSE bus number and circuit number)): _____

Coordinates of the POI (i.e., Latitude and Longitude) : _____

Distances from the POI to the remote substations: _____

6. MW nameplate rating: _____ at _____ degrees F (if temperature sensitive)

76. Requested Interconnection Service:

MW of requested ERIS at the POI (maximum summer or winter net MW, whichever is greater): _____

(NOTE: An Interconnection Customer ~~Developer~~ may request ERIS below the Generating Facility Capability ~~for Large~~ Generating Facilities and the full facility capacity for Cluster Study ~~ass Year~~ Transmission Projects subject to the requirements and limitations set forth in Section ~~30.3.2.3~~ 40.5.6.2 of Attachment ~~HHX~~ to the ISO OATT).

- If requesting ERIS for a -multi-unit facility, specify the ~~allocation of~~ requested ERIS ~~among such units~~ for each Generator: _____

- Maximum summer net (net MW ~~=gross MW minus auxiliary loads total~~ MW at the POI) which can be achieved at 90 degrees F: _____¹
Maximum winter net (net MW ~~=gross MW minus auxiliary loads total~~ MW at the POI) which can be achieved at 10 degrees F : - _____¹

- MW of requested increase in ERIS of an existing facility, as calculated from the baseline ERIS (as defined in Section 40.2.3 ~~30.3.1~~ of Attachment ~~HHX~~ – for temperature-sensitive machines, provide the summer and winter MW vs. temperature curves for both gross MW and net MW corresponding to the requested net MW values provided above): _____

MW of requested CRIS at the POI: _____

- If requesting CRIS for a multi-unit facility, specify the ~~allocation of~~ requested CRIS ~~among such units~~ for each Generator: _____

¹ Applicable for temperature sensitive resources

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

- For a Resource with Energy Duration Limitations that is requesting CRIS, indicate the maximum injection capability over the selected duration (e.g., 10 MWh over 4 hours)
- If requesting a CRIS transfer, indicate the transferor PTID(s), MW amount and, for a multi-unit Generating Facility, the specific Generator from which and to which the transfer is proposed:

~~5.8.7.~~ If a Cluster Study ~~ass-Year~~ Transmission Project, which of the following forms of CRIS does the Interconnection Customer ~~Developer~~ intend to request:

- Unforced Capacity Deliverability Rights
- External-to-Rest of State Deliverability Rights

~~6.9.~~ General description of the proposed Project (e.g.: describe type/size/number/general configuration of the proposed generator units, transmission, transformers, feeders, lines leading to the proposed point of interconnection(s), breakers, etc):

- One set of metering is required for each generation connection to the new ring bus or existing Connecting Transmission Owner station. Number of generation connections:

- On the one-line diagram indicate the generation capacity attached at each metering location. (Maximum load on CT/PT)

- On the one-line diagram indicate the location of auxiliary power. (Minimum load on CT/PT) Amps

- Will an alternate source of auxiliary power be available during CT/PT maintenance?
 Yes No

- Will a transfer bus on the generation side of the metering require that each meter set be designed for the total plant generation?

 Yes No

Commented [A2]: NYISO Comment: Incorporated from appendix of Class Year Facilities Study Agreement

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

- Will a transfer bus on the generation side of the metering require that each meter set be designed for the total plant generation?

Yes No

(If yes, indicate on one-line diagram).

- What type of control system or PLC will be located at the Interconnection Customer Attachment Facilities?

- What protocol does the control system or PLC use?

- Provide a 7.5-minute quadrangle of the site, depicting the Facility, station, transmission line, and property line.

- Physical dimensions of the proposed interconnection station

- Bus length from generation to interconnection station

- Line length from interconnection station to Connecting Transmission Owner's transmission line.

- Tower number observed in the field. (Painted on tower leg):

- Number of third-party easements required for transmission lines, if known:

10. ~~9.~~ Attach a ~~conceptual breaker one-line diagram and a project location geo-map.~~ ~~conceptual~~ breaker one-line diagram of the plant and station facilities. For staged projects, please indicate future generation, transmission circuits, etc.

The conceptual breaker one-line diagram is a representation of electrical components that are connecting into the NYSTS or Distribution System as applicable. This conceptual

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

breaker one-line diagram should include, at a minimum:

- The Project name, and the Interconnection Customer name on the diagram;
- The facility address (specific location of the Facility);
- The number of inverters or generator units (type, nameplate rating MW and MVA), and configuration of the Facility;
- The Facility's electrical components (i.e., generation, transformers (GSU, PSU, current transformer, and potential transformers), breakers, switches, cables/lines/feeders, compensation, FACTs, auxiliary load, buses, etc.) as described in NYISO Reliability Analysis Data Manual;
- The capability and voltage levels of the electrical components, their connection to each other and to the New York State Transmission System or Distribution System;
- The Point of Interconnection (name of the substation name (specify the bus) or transmission/distribution line name and number); and
- References to other diagram sheets if there is more than one diagram sheet (i.e., use references to indicate how the diagrams are interconnected).

Acronyms used in the conceptual breaker one-line diagram should follow ANSI Standard Device Numbers & Common Acronyms.

11. A workable Project power flow, short circuit, transient stability modeling data and supporting documentation (as set forth in Attachment A) must be provided with this Interconnection Request form.

~~7.12.~~ ~~10.~~ ~~Proposed In-Service~~ Initial Feedback Date (Month/Year): ~~—~~ _____

Proposed ~~Initial~~ Synchronization Date (Month/Year): _____

Proposed Commercial Operation Date (Month/Year): _____

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

~~8. 11.~~ Project power flow, short circuit, transient stability modeling data and supporting documentation (as set forth in Attachment A) (optional). Modeling data will be required during the scoping and applicable study agreement process, as coordinated by the ISO.

~~13. 12.~~ \$10,000 non-refundable ~~a~~Application ~~f~~Fee must be submitted with this Interconnection Request form in accordance with Section [40.5.5.1.3] of Attachment HH.

~~9. 14.~~ A Study Deposit must be submitted with this Interconnection Request form pursuant to Section [40.5.5.1.4] of Attachment HH

~~10. 15. 13.~~ Evidence of Site Control as specified in the Section [40.5.5.1.5] of Attachment

HH~~LFP~~ (check one):

_____ a. Is attached to this Interconnection Request, and provides full ~~s~~Site ~~e~~Control for the following number of acres: _____, and includes an attestation from an officer of the company: (i) indicating the amount of acreage covered by the provided Site Control materials and (ii) that such acreage is consistent with the acreage and other parameters for the Facility's technology type set forth in ISO Procedures; or

_____ b. Is attached to this Interconnection Request and provides for Site Control for a new technology type not addressed in ISO Procedures or for less acreage than required for the Facility's technology type as set forth in ISO Procedures.

If b. is selected, Interconnection Customer must submit the following with this Interconnection Request in accordance with the requirements in Section [40.5.5.1.5] of Attachment HH:

(1) an attestation from an officer of the company sufficiently describing and explaining the special circumstances of the project that permits a different acreage amount for Site Control than the requirements in the ISO Procedures and

(2) a licensed Professional Engineer (electrical or civil) signed and stamped site plan that depicts that the Site Control provided by the Interconnection Customer can support the proposed arrangement of its Facility.

_____ c. Interconnection Customer is providing a Site Control Deposit due to Regulatory Limitation.

If c. is selected, Interconnection Customer must the following with this Interconnection Request in accordance with the requirements in Section

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

[40.5.5.1.5.1] of Attachment HH:

(1) a signed affidavit from an officer of the company indicating that Site Control is unobtainable due to Regulatory Limitations as such term is defined in ISO Procedures;

(2) documentation sufficiently describing and explaining the source and effects of such Regulatory Limitations, including a description of any conditions that must be met to satisfy the Regulatory Limitations and the anticipated time by which Interconnection Customer expects to satisfy the regulatory requirements, and

(3) a Site Control Deposit of \$10,000 per MW, subject to a minimum of \$500,000 and a maximum of \$2,000,000.

~~Will be provided at a later date in accordance with the LFIP, in which case a non-refundable \$10,000 deposit in lieu of site control must be provided with this Interconnection Request form~~

16. For an inverter-based resource that is greater than 20 MW, attach the form set forth in ISO Procedures concerning the attestations required by NYSRC Reliability Rule B.5. Attach the PRR151/IEEE 2800 Attestation ÷

17. Attach the Interconnection Customer signed ~~14.~~ Cluster Study Agreement ÷

Yes No

~~11.~~ 18. This Interconnection Request shall be submitted to the ISO through the interconnection portal on the NYISO website.

~~12.~~ 19. ~~15.~~ This Interconnection Request is submitted by:

Signature: _____

Name (type or print): _____

Title: _____

Company: _____

Date: _____

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

DETAILED ~~LARGE~~ GENERATING FACILITY ~~PRELIMINARY~~ DATA
(Additional data ~~will~~ may be required at subsequent stages of the ~~interconnection study~~
Cluster Study Process)

1. Describe the composition of assets (including MW level) within the ~~Large~~ Generating Facility, including load reduction assets (e.g., 50 MW wind facility, 20 MW Energy Storage Resource and a load reduction resource with a maximum of 1 MW of load reduction): _____

2. Maximum Injection Capability of entire ~~Large~~ Generating Facility over 1 hour: _____

3. If the facility includes a Resource with Energy Duration Limitations-, indicate the maximum injection capability for the entire ~~Large~~ Generating Facility over the selected duration (e.g., 100 MW over 4 hours): _____

4.4. Provide the following information for each unit within the ~~Large~~ Generating Facility:

~~Energy Source~~ Resource/Fuel type: _____ (Select from the dropped box in the portal system)

~~Solar~~ _____

~~Wind~~ _____

~~Hydro~~ _____ ~~Hydro Type (e.g. Run of River):~~ _____

~~Diesel~~ _____

~~Natural Gas~~ _____

~~Fuel Oil~~ _____

~~Other (state type)~~ _____

Generator Nameplate Rating: _____ MW (Typical)

MVA _____ °F _____ Voltage (kV) _____

Maximum Reactive Power at Rated Power Leading ~~and Lagging~~ (MVAR): ____

IITF February 16, 2024 Working Draft

Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Minimum Reactive Power at Rated Power Lagging (MVAR):

Connection (e.g. Wye, Delta or Wye grounded) _____

~~Reactance data per unit, Subtransient unsaturated (X''_d): _____~~

Customer-Site Load: MW

Existing load? Yes ____ No ____

If existing load with metered load data, provide coincident Summer peak load:

If new load or existing load without metered load data, provide estimated coincident Summer peak load, together with supporting documentation for such estimated value:

Typical Reactive Load (if known): MVAR

Generator ~~(or solar collector)~~-manufacturer, model name & number:

Inverter manufacturer, model name, number, and version: _____

Note: A completed General Electric Company Power Systems Load Flow (PSLF) data sheet or other compatible formats, such as IEEE and PTI power flow models, must be supplied at a later stage of the interconnection study process.

Nameplate Output Power Rating in MW: (Summer) _____ (Winter) _____

Nameplate Output Power Rating in MVA: (~~Summer~~)Summer (Winter)

If solar, total number of solar panels in solar farm to be interconnected pursuant to this

Interconnection Request:

Inverter manufacturer, model name, number, and version:

If wind, total number of generators in wind farm to be interconnected pursuant to this

Interconnection Request: _____

2 The Nameplate Output Power Rating is at the inverter terminal for IBRs

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Generator Height: Single phase _____ Three Phase _____

Wind Model Type: Type 1 Type 2 Type 3 Type 4

If an Energy Storage Resource or a Resource with Energy Duration Limitations:

Inverter manufacturer, model name, number, and version: _____

Energy storage capability (MWh): _____

Minimum Duration for full discharge (i.e., injection) (Hours): - _____

Minimum Duration for full charge (i.e., withdrawal) (Hours): _____

Maximum withdrawal from the system (i.e., when charging) (MW): _____

Maximum sustained ~~four~~-hour injection in MW hours (calculated at the Minimum Duration for full discharge): _____

Primary frequency response operating range for electric storage resource: _____

Minimum State of Charge: _____ (%)

_____ Maximum State of Charge: _____

(%)

If a Resource with Energy Duration Limitations

~~Energy storage capability (MWh): _____~~

~~Minimum Duration for full discharge (i.e., injection) (Hours): _____~~

~~Minimum Duration for full charge (i.e., withdrawal) (Hours): _____~~

~~Maximum withdrawal from the system (i.e., when charging) (MW): _____~~

~~Inverter manufacturer, model name, number, and version: _____~~

~~_____~~

~~Primary frequency response operating range for electric storage resource:~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Minimum State of Charge: _____ (%) Maximum State of Charge: _____
(%)

5. Attach modeling data files³:

- Power Flow model
- Short circuit model
- Dynamic models

GENERATOR STEP-UP TRANSFORMER DATA

RATINGS

Capacity _____ Self-cooled/Maximum Nameplate
_____/_____ MVA

Voltage Ratio (Generator Side/System Side/Tertiary)
_____/_____/_____ kV

Winding Connections (Generator Side/System Side/Tertiary (Delta or Wye))
_____/_____/_____

Fixed Taps Available _____

Present Tap Setting _____

IMPEDANCE

Positive _____ Z1 (on self-cooled MVA rating) _____ % _____ X/R

Zero _____ Z0 (on self-cooled MVA rating) _____ % _____ X/R

3. PSSE files require in .raw or .sav and .dyr format. ASPEN files are required as .olr format.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

ADDITIONAL INFORMATION REQUESTED FOR ~~CLASS YEAR~~ CLUSTER STUDY
TRANSMISSION PROJECTS

Description of proposed project:

a. ~~a.~~ General description of the equipment configuration and kV level:

b. ~~b.~~ Transmission technology and manufacturer (e.g., HVDC VSC):

ADDITIONAL INFORMATION REQUESTED FOR FACILITIES
SEEKING ERIS BELOW FULL OUTPUT

Describe any injection-limiting equipment if the facility is requesting ERIS below its full output:

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

ATTACHMENT A TO APPENDIX 1 — LFIP INTERCONNECTION REQUEST
Terms and Conditions of Interconnection Study(ies)

These terms and conditions for the study of a Large Generating Facility or Class Year Transmission Project, or a material modification to an existing Large Generating Facility or Class Year Transmission Project proposed in the Interconnection Request dated _____ (“the Project”) and submitted by _____, a _____ organized and existing under the laws of the State of _____ (“Developer”) sets forth the respective obligations between Developer and the New York Independent System Operator, Inc., a not-for-profit corporation organized and existing under the laws of the State of New York (“NYISO”) (hereinafter the “Terms and Conditions”). By signing below, Developer confirms its understanding and acceptance of the Terms and Conditions.

RECITALS

~~WHEREAS~~, Developer is proposing to develop the Project; and

~~WHEREAS~~, the Project is already interconnected to the New York State Transmission System (or Distribution System, as applicable) or desires to interconnect the Large Facility with the New York State Transmission System (or Distribution System, as applicable); and

~~WHEREAS~~, Developer has requested NYISO to perform one or more of the following studies: Optional Interconnection Feasibility Study, Interconnection System Reliability Impact Study, or Optional Interconnection System Reliability Impact Study to assess the impact of the Project on the New York State Transmission System (or Distribution System, as applicable) and any Affected Systems.

~~Now, THEREFORE~~, in consideration of and subject to the terms and conditions contained herein, Developer and NYISO agree as follows:

- 1.0 When used in these Terms and Conditions, with initial capitalization, the terms specified shall have the meanings indicated in the NYISO’s Commission approved Standard Large Facility Interconnection Procedures (“LFIP”).
- 2.0 Developer shall elect and NYISO shall cause to be performed, in accordance with the NYISO Open Access Transmission Tariff (“OATT”), one or more of the following: an Optional Interconnection Feasibility Study consistent with Section 30.6 of the LFIP, an Interconnection System Reliability Impact Study consistent with Section 30.7 of the LFIP, and an Optional Interconnection System Reliability Impact Study consistent with Section 30.10 of the LFIP, collectively referred to as the “Studies.” The terms of Sections 30.6, 30.7, 30.10, 30.13.1, and 30.13.3 of the LFIP, as applicable, are incorporated by reference herein.
- 3.0 The scopes for the Studies that Developer elects or is required to perform under its Interconnection Request and these Terms and Conditions shall be subject to the assumptions developed by Developer, NYISO, and the Connecting Transmission

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Owner(s) at the respective scoping meetings for each Study and approved by NYISO Operating Committee.

- 4.0 ~~The Studies shall be based on the technical information provided by Developer in the Interconnection Request, as may be modified as the result of the Scoping Meeting and completed study results, if performed and available. NYISO reserves the right to request additional information from Developer as may reasonably become necessary consistent with Good Utility Practice during the course of the Studies (including dynamic modeling data) and as designated in accordance with Section 30.3.3.4 of the LFIP and such additional information shall be provided in a prompt manner. If, after the designation of the Point of Interconnection pursuant to Section 30.3.3.4 of the LFIP, Developer modifies its Interconnection Request pursuant to Section 30.4.4, the time to complete the Studies may be extended.~~
- 5.0 ~~Optional Interconnection Feasibility Study. If Developer elects to perform an Optional Interconnection Feasibility Study, the study report shall provide the following:~~
- ~~— If Developer elects to perform an Optional Interconnection Feasibility Study with a limited analysis (i.e., \$10,000 study deposit), the study report shall provide, to the extent selected by Developer:~~
 - ~~○ development of a conceptual breaker level one line diagram of existing NYS Transmission System or Distribution System where the Large Facility proposes to interconnect; and/or~~
 - ~~○ a review of the feasibility/constructability of a conceptual breaker level one line diagram of the proposed interconnection (e.g., space for additional breaker bay in existing substation or identification of cable routing concerns inside existing substation);~~
 - ~~— If Developer elects to perform an Optional Interconnection Feasibility Study with detailed analyses (i.e., \$60,000 study deposit), the study report shall provide, to the extent selected by Developer:~~
 - ~~○ development of conceptual breaker level one line diagram of existing NYS Transmission System or Distribution System where the Large Facility proposes to interconnect (i.e., how to integrate the Large Facility into the existing system);~~
 - ~~○ a review of the feasibility/constructability of a conceptual breaker level one line diagram of the proposed interconnection (e.g., space for additional breaker bay in existing substation or identification of cable routing concerns inside existing substation);~~
 - ~~○ preliminary review of local protection, communication, and grounding issues associated with the proposed interconnection;~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

- ~~○ power flow, short circuit, and/or bus flow analyses; and/or~~
- ~~○ preliminary identification of Connecting Transmission Owner Attachment Facilities and Local System Upgrade Facilities with a non-binding good faith cost estimate of Developer's cost responsibility and a non-binding good faith estimated time to construct.~~

~~6.0 Interconnection System Reliability Impact Study. The Interconnection System Reliability Impact Study report shall provide the following information:~~

- ~~— Identification of any circuit breaker short circuit capability limits exceeded as a result of the interconnection;~~
- ~~— identification of any thermal overload or voltage limit violations resulting from the interconnection;~~
- ~~— identification of any instability or inadequately damped response to system disturbances resulting from the interconnection;~~
- ~~— description and non-binding, good faith estimated cost of facilities required to interconnect the Large Facility to the New York State Transmission System (or Distribution System, as applicable) and to address the identified short circuit, instability, and power flow issues; and~~
- ~~— if Developer opts to skip the Optional Interconnection Feasibility Study NYISO will supplement the information set forth above.~~
- ~~— if Developer is required to or elects to include a preliminary non-binding deliverability evaluation under the Deliverability Interconnection Standard pursuant to Section 30.7.3.2 of Attachment X to the OATT, the System Reliability Impact Study report shall also (1) identify, at a high level, potential System Deliverability Upgrades to make the facility fully deliverable for the full amount of requested CRIS; and (2) provide preliminary non-binding cost estimates for such potential System Deliverability Upgrades.~~

~~7.0 Optional Interconnection System Reliability Impact Study. If Developer elects to perform an Optional Interconnection System Reliability Impact Study, the study report shall provide a sensitivity analysis based on the assumptions specified by Developer in the scope for the Optional Interconnection System Reliability Impact Study developed in accordance with Section 3.0 of these Terms and Conditions. The Optional Interconnection System Reliability Impact Study will identify the Connecting Transmission Owner's Attachment Facilities, Distribution Upgrades, and System Upgrade Facilities, and the estimated cost thereof, that may be required to provide Energy Resource Interconnection Service based upon the assumptions specified by Developer in the scope for the Optional Interconnection System Reliability Impact Study developed in accordance with Section 3.0 of these Terms and Conditions.~~

~~8.0 Developer shall provide a deposit in accordance with the LFIP for the performance of~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

each study that Developer elected to be performed in connection with its Interconnection Request and under these Terms and Conditions. NYISO shall provide a good faith estimate for the time of completion for each of the studies elected or required to be performed in accordance with the LFIP.

8.1 Upon Developer's receipt of the final report for each study performed, NYISO shall charge and Developer shall pay to NYISO the actual costs of each respective study incurred by NYISO, as computed on a time and materials basis in accordance with the rates provided to the Developer at the time that NYISO provides the good faith estimate of the cost for each study elected or required to be performed in connection with the Interconnection Request and under these Terms and Conditions.

8.2 Any difference between the deposit for and the actual cost of any study performed under these Terms and Conditions shall be paid by or refunded to Developer, as appropriate.

9.0 Miscellaneous:

9.1 Accuracy of Information. Except as Developer may otherwise specify in writing when it provides information to NYISO under these Terms and Conditions, Developer represents and warrants that the information it provides to NYISO shall be accurate and complete as of the date the information is provided. Developer shall promptly provide NYISO with any additional information needed to update information previously provided.

9.2 Disclaimer of Warranty. In preparing the Studies, NYISO and any subcontractor consultants hired by it shall have to rely on information provided by Developer, and possibly by third parties, and may not have control over the accuracy of such information. Accordingly, neither NYISO nor any subcontractor consultant hired by NYISO makes any warranties, express or implied, whether arising by operation of law, course of performance or dealing, custom, usage in the trade or profession, or otherwise, including without limitation implied warranties of merchantability and fitness for a particular purpose, with regard to the accuracy, content, or conclusions of the Studies performed under these Terms and Conditions. Developer acknowledges that it has not relied on any representations or warranties not specifically set forth herein and that no such representations or warranties have formed the basis of its bargain hereunder.

9.3 Limitation of Liability. In no event shall NYISO or its subcontractor consultants be liable for indirect, special, incidental, punitive, or consequential damages of any kind including loss of profits, arising under or in connection with these Terms and Conditions or the Studies performed or any reliance on the Studies by Developer or third parties, even if NYISO or its subcontractor consultants have been advised of the possibility of such damages. Nor shall any NYISO or its subcontractor consultants be liable for any delay in delivery or for the non-performance or delay in performance of its obligations under these Terms and

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Conditions:

- 9.4 ~~Third Party Beneficiaries. Without limitation of Sections 8.2 and 8.3 under these Terms and Conditions, Developer further agrees that subcontractor consultants hired by NYISO to conduct or review, or to assist in the conducting or reviewing, one or more of the Studies requested under the Interconnection Request shall be deemed third party beneficiaries of these Sections 8.2 and 8.3 under these Terms and Conditions.~~
- 9.5 ~~Term and Termination. The obligations to conduct the Studies and under these Terms and Conditions shall be effective from the date hereof and, unless earlier terminated under these Terms and Conditions, shall continue in effect until the Studies are completed (i.e., approved by the NYISO Operating Committee, as applicable). Developer or NYISO may terminate their obligations under these Terms and Conditions upon the withdrawal of Developer's Interconnection Request under Section 30.3.6 of the LFIP.~~
- 9.6 ~~Governing Law. These Terms and Conditions and any study performed thereunder shall be governed by and construed in accordance with the laws of the State of New York, without regard to any choice of laws provisions.~~
- 9.7 ~~Severability. In the event that any part of these Terms and Conditions are deemed as a matter of law to be unenforceable or null and void, such unenforceable or void part shall be deemed severable from these Terms and Conditions and the obligations under these Terms and Conditions shall continue in full force and effect as if each part was not contained herein.~~
- 9.8 ~~Amendment. No amendment, modification, or waiver of any term or condition hereof shall be effective unless set forth in writing and signed by Developer and NYISO hereto.~~
- 9.9 ~~Survival. All warranties, limitations of liability, and confidentiality provisions provided herein shall survive the expiration or termination hereof.~~
- 9.10 ~~Independent Contractor. Developer agrees that NYISO shall at all times be deemed to be an independent contractor and none of its employees or the employees of its subcontractors shall be considered to be employees of Developer as a result of performing any work under these Terms and Conditions.~~
- 9.11 ~~No Implied Waivers. The failure of Developer or NYISO to insist upon or enforce strict performance of any of the provisions of these Terms and Conditions shall not be construed as a waiver or relinquishment to any extent of such party's right to insist or rely on any such provision, rights, and remedies in that or any other instances; rather, the same shall be and remain in full force and effect.~~
- 9.12 ~~Successors and Assigns. The obligations under these Terms and Conditions, and each and every term and condition hereof, shall be binding upon and inure to the benefit of Developer and NYISO and their respective successors and assigns.~~

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

____ ~~IN WITNESS THEREOF~~, Developer has agreed to accept and be bound by the Terms and Conditions by its duly authorized officers or agents execution on the day and year first below written.

[Insert name of Developer]

By: _____

Title: _____

Date: _____

*IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow*

APPENDIX 2 TO ATTACHMENT HH – CRIS-Only Request

Commented [A1]: NYISO Comment: Form based on Interconnection Request form and External CRIS Request form.

1. The undersigned Interconnection Customer who submits this request is proposing to develop or own a proposed or an existing Facility requesting Capacity Resource Interconnection Service ("CRIS").

2. Legal Name of the Interconnection Customer (or, if an individual, individual's name) (must be a single individual or entity):

Name of Interconnection Customer :

Contact Person:

Title:

Address:

Email:

Telephone:

3. Type of CRIS-Only Request:

a. CRIS or increased CRIS for an existing facility

b. CRIS or increased CRIS for a facility that is not existing but has ERS

c. Different location CRIS Transfer (skip to question 13)

d. External CRIS Rights Request (skip to question 14)

4. Queue Position/PTID No./TO or NYSIR queue no. (if applicable):

5. Project/facility name:

6. Is this Project mutually exclusive with another project proposed by the Interconnection

Customer or its Affiliate in the current ongoing Expedited Deliverability Study, Class Year Study, or Cluster Study?

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Yes No

Indicate the Queue Position/PTID No./TO or NYSIR queue no. (if applicable):

If yes, is the Interconnection Customer submitting the Project as a Contingent Project in accordance with Section 40.5.4.1? Yes No

7. Address or location of the proposed new Facility site (to the extent known) or, in the case of an existing Facility, the name and specific location of that existing facility:

6. MW nameplate rating: at degrees F (if temperature sensitive)

MW of requested CRIS at the POI:

- If requesting CRIS for a multi-unit facility, specify the requested CRIS for each Generator:
- For a Resource with Energy Duration Limitations that is requesting CRIS, indicate the maximum injection capability over the selected duration (e.g., 10 MWh over 4 hours)

8. If a Cluster Study Transmission Project, which of the following forms of CRIS does the Interconnection Customer intend to request:

Unforced Capacity Deliverability Rights

External-to-Rest of State Deliverability Rights

9. General description of the proposed Project (e.g.: describe type/size/number/general configuration of the proposed generator units, transmission, transformers, feeders, lines leading to the proposed point of interconnection(s), breakers, etc):

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

10. Attach a conceptual breaker one-line diagram of the plant and station facilities. For staged projects, please indicate future generation, transmission circuits, etc.

The conceptual breaker one-line diagram is a representation of electrical components that are connecting into the NYSTS or Distribution System as applicable. This conceptual breaker one-line diagram should include, at a minimum:

- The Project name, and the Interconnection Customer name on the diagram;
- The facility address (specific location of the Facility);
- The number of inverters or generator units (type, nameplate rating MW and MVA), and configuration of the Facility;
- The Facility's electrical components (i.e., generation, transformers (GSU, PSU, current transformer, and potential transformers), breakers, switches, cables/lines/feeders, compensation, FACTs, auxiliary load, buses, etc.) as described in NYISO Reliability Analysis Data Manual;
- The capability and voltage levels of the electrical components, their connection to each other and to the New York State Transmission System or Distribution System;
- The Point of Interconnection (name of the substation name (specify the bus) or transmission/distribution line name and number); and
- References to other diagram sheets if there is more than one diagram sheet (i.e., use references to indicate how the diagrams are interconnected).

Acronyms used in the conceptual breaker one-line diagram should follow ANSI Standard Device Numbers & Common Acronyms.

11. A workable Project power flow, short circuit, transient stability modeling data and supporting documentation (as set forth in Attachment A) must be provided with this Interconnection Request form.

12. Proposed Initial Feedback Date (Month/Year):

Proposed Synchronization Date (Month/Year):

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Proposed Commercial Operation Date (Month/Year):

13. If requesting a CRIS transfer, indicate the following:

• Submitting Entity (Transferor)'s Contact Information

○ Organization name:

○ Address:

○ Phone Number:

○ Email:

• Receiving Entity (Transferee)'s Contact Information

○ Organization name:

○ Address:

○ Phone Number:

○ Email:

○ Queue No., if applicable:

• Type of Transfer (Check One)

○ Partial CRIS Transfer ☐ (CRIS MW to be Transferred:)

○ Full CRIS Transfer ☐ (CRIS MW to be Transferred:)

• Transferor Facility's New CRIS MW post-transfer:

• Receiving Entity/Transferee Facility's New CRIS MW post-transfer:

• Anticipate date of Transfer, if approved:

• Transferor Facility Information (for a multi-unit Generating Facility, the specific Generator from which the transfer is proposed)

○ Transferor facility

PTID(s):

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

o Transferor facility's electrical location (i.e., Point of Interconnection):

o Transferor facility's Current CRIS MW:

- Transferee Facility Information (for a multi-unit Generating Facility, the specific Generator to which the transfer is proposed)

o Transferee facility's PTID(s):

o Transferee facility's electrical location :

o MW nameplate rating: at degrees F (if temperature sensitive)

o Transferee facility's current CRIS MW:

14. If requesting External CRIS, indicate the following:

- Years - The term of the requested Award Period (minimum five (5) years).
- MW of External CRIS requested for each month of Summer Capability Period. The same number of MW must be supplied for all months of each Summer Capability Period throughout the Award Period.
- MW of External CRIS requested each month of Winter Capability Period (cannot exceed MW committed for Summer Capability Period). None required, but if Requestor does commit MW to any month of Winter Capability Period, Requestor must specify months requested below.
 - o November ☐
 - o December ☐
 - o January ☐
 - o February ☐
 - o March ☐
 - o April ☐
- The External Interface(s) to be used for the External ICAP:
- A Requestor may request external CRIS rights by making either a contract commitment or a non-contract commitment for the award period. A requestor must

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

indicate the type of its commitment, as follows:

- Contract commitment; or
- Non-contract commitment.

15. Detailed generating facility data specified in Attachment A must be submitted with this CRIS-Only Request form.

16. \$5,000 non-refundable Application Fee must be submitted with this CRIS-Only Request form in accordance with Section [40.5.5.1.3] of Attachment HH.

17. A \$50,000 Study Deposit must be submitted with this CRIS-Only Request form pursuant to Section [40.5.5.1.4] of Attachment HH.

18. Attach the Interconnection Customer signed Cluster Study Agreement.

19. This CRIS-Only Request shall be submitted to the ISO through the interconnection portal on the NYISO website.

20. This CRIS-Only Request is submitted by:

Signature:

Name (type or print):

Title:

Company:

Date:

ATTACHMENT A

DETAILED GENERATING FACILITY DATA

(Not Applicable for CRIS Transfer and External CRIS Rights Requests)

(Additional data maybe required at subsequent stages of the Cluster Study Process)

1. Describe the composition of assets (including MW level) within the Generating Facility, including load reduction assets (e.g., 50 MW wind facility, 20 MW Energy Storage Resource and a load reduction resource with a maximum of 1 MW of load reduction):
2. Maximum Injection Capability of entire Generating Facility over 1 hour:
3. If the facility includes a Resource with Energy Duration Limitations, indicate the maximum injection capability for the entire Generating Facility over the selected duration (e.g., 100 MW over 4 hours):
4. Provide the following information for each unit within the Generating Facility:
Resource/Fuel type: (Select from the dropped box in the portal system)

Generator Nameplate Rating: MW (Typical)

MVA °F Voltage (kV)

Maximum Reactive Power at Rated Power Leading (MVAR):

Minimum Reactive Power at Rated Power Lagging (MVAR):

Customer-Site Load: MW

Existing load? Yes No

If existing load with metered load data, provide coincident Summer peak load:

If new load or existing load without metered load data, provide estimated coincident Summer peak load, together with supporting documentation for such estimated value:

Typical Reactive Load: MVAR

Generator manufacturer, model name & number:

Inverter manufacturer, model name, number, and version:

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Nameplate Output Power Rating in MW¹: (Summer) _____ (Winter) _____

Nameplate Output Power Rating in MVA: (Summer) _____ (Winter) _____

If solar, total number of solar panels in solar farm to be interconnected pursuant to this

Interconnection Request: _____

Inverter manufacturer, model name, number, and version: _____

If wind, total number of generators in wind farm to be interconnected pursuant to this

Interconnection Request: _____

Generator Height: Single phase Three Phase

Wind Model Type: Type 1 Type 2 Type 3 Type 4

If an Energy Storage Resource or a Resource with Energy Duration Limitations:

Inverter manufacturer, model name, number, and version: _____

Energy storage capability (MWh): _____

Minimum Duration for full discharge (i.e., injection) (Hours): _____

Minimum Duration for full charge (i.e., withdrawal) (Hours): _____

Maximum withdrawal from the system (i.e., when charging) (MW): _____

Maximum sustained hour injection in MW hours (calculated at the Minimum Duration for full discharge): _____

Primary frequency response operating range for electric storage resource: _____

Minimum State of Charge: _____ (%)

Maximum State of Charge: _____ (%)

5. Attach modeling data files²:

- Power Flow model

¹ The Nameplate Output Power Rating is at the inverter terminal for IBRs

² PSSE files require in *.raw* or *.sav* and *.dyr* format. ASPEN files are required as *.olr* format.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

- Short circuit model

- Dynamic models

ADDITIONAL INFORMATION REQUESTED FOR CLUSTER STUDY TRANSMISSION PROJECTS

Description of proposed project:

a. General description of the equipment configuration and kV level:

b. Transmission technology and manufacturer (e.g., HVDC VSC):

PRE-APPLICATION REQUEST FORM

1. Instructions

Pursuant to Section [40.4.2*], ~~[*], or [*], as applicable,~~ of [Attachment HH](#) to the NYISO Open Access Transmission Tariff, a prospective [Interconnection Customer](#) ~~developer or customer~~ (“Requestor”) may request a Pre-Application Report from the NYISO regarding the proposed interconnection of a ~~Small~~ Generating Facility or [Cluster Study Transmission Project](#) ~~Large Facility~~ at a particular point on the New York State Transmission System or Distribution System. To request a Pre-Application Report, Requestor ~~must~~ complete and execute this request form and submit the form to the NYISO [via the NYISO Interconnection Projects Portal](#), along with [submitting](#) a non-refundable fee of \$5,000 ~~per for~~ [each](#) Point of Interconnection (POI). Requestor must provide a substantive answer to each of the questions in this request form and should not specify that the requested information is “to be determined” or “not available.” Requestor should direct any questions regarding the requested information and the completion of this form to:

Designated Contact Person:	Stakeholder Services IP Support Team
Telephone Number:	518-356-6060, Option#2
E-Mail Address:	SGPreApp@nyiso.com stakeholder_services_ipsupport@nyiso.com

Requestor shall submit the fee electronically via wire transfer. ~~Please request w~~ [Wiring instructions are provided in the NYISO Interconnection Projects Portal.](#) ~~via e-mail from:~~

Upon its confirmation of a completed request form and its receipt of the required fee, the NYISO will send the request form to the relevant Connecting Transmission Owner for completion of the Pre-Application Report in the form set forth in Appendix A to this request form. [The Connecting Transmission Owner](#) ~~This report~~ shall ~~be completed~~ [this report](#) to the extent readily available data exists. If the ~~ISO~~NYISO, in consultation with the relevant Connecting Transmission Owner, determines that the interconnection, as proposed, does not appear to be subject to the NYISO’s interconnection procedures under the NYISO OATT, the ~~NYISO~~ [Connecting Transmission Owner](#) will: (1) inform the Requestor that its proposed interconnection is not subject to the NYISO’s interconnection procedures, and (2) provide the Requestor with the Pre-Application Report set forth in Appendix A that is completed to the extent possible. The Pre-Application Report is non-binding and does not confer any rights or obligations.

Notwithstanding its request for a Pre-Application Report, a Requestor must still successfully complete the ~~applicable~~ interconnection [requirements](#) ~~process~~ set forth in [Attachment HH](#) to the NYISO OATT to interconnect ~~to~~ the New York State Transmission System or Distribution System, to the extent that the NYISO OATT is applicable to the proposed interconnection.

2. Project Overview

Project Name:		
Requestor:	Name:	
	Address:	
Contact Person:	Name:	
	Email:	
	Phone #:	
Project Type	(e.g., generation, transmission, combined resource)	
Energy Source(s):	(e.g, solar, wind, energy storage, etc.)	
Nameplate Size:	MW:	MVA:

For storage facility:

Capacity (MWh):	
Max Charging (MWh/hr):	
Max Discharging (MWh/hr):	
Max aggregate injection (hybrid) (MWh/hr):	

If combined resource, will storage charge from grid? (Yes/No): _____

Estimated [Initial Feedback](#) ~~Service~~ Date: _____

3. Proposed POI(s) and Project Location:

Connecting Transmission Owner (CTO), if known:

Affected Transmission Owner(s), if known:

a. Primary POI

Station Name:	
Line Name:	

POI Location (Decimal Lat / Long): _____

Expected POI Voltage (34.5 kV, 115 kV, etc): _____

☐ Conceptual or Breaker Level One Line Diagram Provided

b. Secondary POI

Station Name:	
Line Name:	

POI Location (Decimal Lat / Long): _____

Expected POI Voltage (34.5 kV, 115 kV, etc): _____

☐ Conceptual or Breaker Level One Line Diagram Provided

c. Project Location:

☐ Map identifying the location of project in relation to proposed POI(s) (e.g., preliminary general layout, property boundaries, etc.)

4. New or Existing Service:

New Service Requested (yes or no): _____

If No, and there is existing service, provide:

Customer Account Number: _____

Site Load:

	Minimum (kW)	Maximum (kW)
Current		
Proposed		

If known, will the facility be used for the following:

- ☐ Net Metering
- ☐ To supply power only to the Requestor
- ☐ To supply power to others through wholesale sales over the New York State Transmission System or Distribution System.

5. Additional Information:

☐ Is the project an uprate to a project in the current ~~interconnection queue~~ [or an existing facility](#).

If yes, provide description:

Additional Information or Comments:

6. Requestor Signature

I hereby certify that, to the best of my knowledge, all the information provided in this Pre-Application Request Form is true and correct.

Requestor: _____ Date: _____

APPENDIX A
PRE-APPLICATION REPORT

This Pre-Application Report has been completed based on readily available data. The information provided is preliminary and non-binding and does not confer any rights on the part of the Requestor or obligations on the part of the Connecting Transmission Owner. Information is provided based on applicability to the proposed Point(s) of Interconnection (“POI(s)”).

1. Project

This Pre-Application Report is for the following proposed project:

2. Proposed Primary POI

a. Transmission or Distribution Line

Line Name	Utility Line Id Number	Bus Numbers and Circuit Id Number (PSS/e From/To)	Voltage (kV)

☐ FERC Jurisdictional Distribution

☐ Networked

☐ Radial

Ratings (MVA):

	Normal	LTE	STE
Summer			
Winter			

Terminal End Stations:

Name	Distance to POI (miles)

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

For ~~Small Generation Facility projects~~ a Generation Facility or Cluster Study Transmission Project and sub-transmission or distribution POIs:

Circuit Loading (MW):

Peak	
Minimum	

Generation (MW):

Existing	
Proposed	

Additional Information (e.g., potential new substation bus configuration, transmission constraints, planned transmission upgrades, parallel lines, breaker rating, existing/known constraints):

b. Substation

Name	PSS/e Bus Number	Voltage (kV)

☐ FERC Jurisdictional Distribution

Substation Connected Line Ratings (MVA):

Line Information		Summer			Winter		
Line Name	Utility Line Id Number	Normal	LTE	STE	Normal	LTE	STE

For ~~Small Generation Facility projects~~ a Generation Facility or Cluster Study Transmission Project and sub-transmission or distribution POIs:

Customer Load (MW):

Peak	
Minimum	

Generation (MW):

Existing	
Proposed	

Additional **I**nformation (e.g., known physical feasibility issues, available breaker positions; planned transmission upgrades, breaker rating, existing/known constraints):

3. Proposed Secondary POI

a. Transmission or Distribution Line

Line Name	Utility Line Id Number	Bus Numbers and Circuit Id Number (PSS/e From/To)	Voltage (kV)

☐ FERC Jurisdictional Distribution

☐ Networked

☐ Radial

Ratings (MVA):

	Normal	LTE	STE
Summer			
Winter			

Terminal End Stations:

Name	PSS/e Bus Number	Distance to POI (miles)

For ~~Small Generation Facility projects~~ [a Generation Facility or Cluster Study Transmission Project](#) and sub-transmission or distribution POIs:

Circuit Loading (MW):

Peak	
Minimum	

Generation (MW):

Existing	
Proposed	

Additional **I**nformation (e.g., potential new substation bus configuration, transmission constraints, planned transmission upgrades, parallel lines, breaker rating, existing/known constraints):

b. Substation

Name	PSS/e Bus Number	Voltage (kV)

☐ FERC Jurisdictional

Substation Connected Line Ratings (MVA):

Line Information		Summer			Winter		
Line Name	Utility Line Id Number	Normal	LTE	STE	Normal	LTE	STE

For ~~Small Generation Facilities~~ a Generation Facility or Cluster Study Transmission Project and sub-transmission or distribution POIs:

Customer Load (MW):

Peak	
Minimum	

Generation (MW):

Existing	
Proposed	

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Additional **I**nformation (e.g., known physical feasibility issues, available breaker positions, planned transmission upgrades breaker rating, existing/known constraints):

Appendix 8 to Attachment HH ~~APPENDIX 2 TO ATTACHMENT S~~ — Expedited

Deliverability Study Agreement

THIS AGREEMENT is made and entered into this ____ day of _____, 20__ by and among _____, a _____ organized and existing under the laws of the State of _____ (“Interconnection Customer~~Developer~~”), the New York Independent System Operator, Inc., a not-for-profit corporation organized and existing under the laws of the State of New York (“NYISO”), and _____ a _____ organized and existing under the laws of the State of New York (“Connecting Transmission Owner”). Interconnection Customer~~Developer~~, NYISO and Connecting Transmission Owner each may be referred to as a “Party,” or collectively as the “Parties.”

RECITALS

WHEREAS, Interconnection Customer~~Developer~~ is proposing to develop or owns an existing or facility requesting Capacity Resource Interconnection Service (“CRIS”); and

WHEREAS, the NYISO has confirmed that the Interconnection Customer~~Developer~~ has satisfied the eligibility requirements for entering an Expedited Deliverability Study; and

WHEREAS, Interconnection Customer~~Developer~~ has elected to enter an Expedited Deliverability Study in order to obtain or increase CRIS pursuant to Attachment HHs S, X and Z to the NYISO’s Open Access Transmission Tariff (“OATT”), as applicable.

NOW, THEREFORE, in consideration of and subject to the mutual covenants contained herein the Parties agreed as follows:

- 1.0 When used in this Agreement, with initial capitalization, the terms specified shall have the meanings indicated in Section 40.1 of Attachment HH~~30.1 of Attachment X to the NYISO’s OATT or Section 25.1.2 of Attachment S~~ to the NYISO’s OATT.
- 2.0 Interconnection Customer~~Developer~~ elects to be evaluated for CRIS and NYISO shall cause to be performed an Expedited Deliverability Study consistent with Attachment HHs S and X to the ISO OATT. The terms of Attachment HH of the OATT~~the above-referenced OATT Attachments, as applicable~~, are hereby incorporated by reference herein.
- 3.0 The scope of the Expedited Deliverability Study shall be subject to the assumptions set forth in Attachment A and the data provided in Attachment B to this Agreement.
- 4.0 The Expedited Deliverability Study report (i) shall identify whether the facility is fully deliverable at its requested level of CRIS; and (ii) if not fully deliverable, shall determine the facility’s deliverable MW.

5.0 The Interconnection Customer~~Developer~~ shall provide a deposit of \$30,000 for the performance of the Expedited Deliverability Study. The time for completion of the Expedited Deliverability Study is specified in Attachment A.

Interconnection Customer shall be responsible for the actual cost ~~NYISO shall invoice Developer on a monthly basis for the expenses~~ incurred by NYISO and the Connecting Transmission Owner on the Expedited Deliverability Study ~~each month~~, as computed on a time and materials basis in accordance with the rates attached hereto. The ISO shall invoice the Interconnection Customer, and Interconnection Customer shall pay the invoiced amounts, in accordance with the requirements in Section [40.24.3] of Attachment HH to the ISO OATT. ~~Interconnection Customer Developer shall pay invoiced amounts to NYISO within thirty (30) Calendar Days of receipt of invoice.~~ NYISO shall continue to hold the amounts on deposit until settlement of the final invoice in accordance with the requirements in Section [40.23.4].

6.0 Miscellaneous.

6.1 Accuracy of Information. Except as Interconnection Customer~~Developer~~ or Connecting Transmission Owner may otherwise specify in writing when they provide information to NYISO under this Agreement, Interconnection Customer~~Developer~~ and Connecting Transmission Owner each represent and warrant that the information it provides to NYISO shall be accurate and complete as of the date the information is provided. Interconnection Customer~~Developer~~ and Connecting Transmission Owner shall each promptly provide NYISO with any additional information needed to update information previously provided to the extent permitted by Attachment HH to the NYISO OATT.

6.2 Disclaimer of Warranty. In preparing the Expedited Deliverability Study, the Party preparing such study and any subcontractor consultants employed by it shall have to rely on information provided by the other Parties, and possibly by third parties, and may not have control over the accuracy of such information. Accordingly, neither the Party preparing the Expedited Deliverability Study nor any subcontractor consultant employed by that Party makes any warranties, express or implied, whether arising by operation of law, course of performance or dealing, custom, usage in the trade or profession, or otherwise, including without limitation implied warranties of merchantability and fitness for a particular purpose, with regard to the accuracy, content, or conclusions of the Expedited Deliverability Study. Interconnection Customer~~Developer~~ acknowledges that it has not relied on any representations or warranties not specifically set forth herein and that no such representations or warranties have formed the basis of its bargain hereunder.

6.3 Limitation of Liability. In no event shall any Party or its subcontractor consultants be liable for indirect, special, incidental, punitive, or

consequential damages of any kind including loss of profits, arising under or in connection with this Agreement or the Expedited Deliverability Study or any reliance on the Expedited Deliverability Study by any Party or third parties, even if one or more of the Parties or its subcontractor consultants have been advised of the possibility of such damages. Nor shall any Party or its subcontractor consultants be liable for any delay in delivery or for the non-performance or delay in performance of its obligations under this Agreement.

6.4 Third-Party Beneficiaries. Without limitation of Sections 6.2 and 6.3 of this Agreement, Interconnection Customer~~Developer~~ and Connecting Transmission Owner further agree that subcontractor consultants employed by NYISO to conduct or review, or to assist in the conducting or reviewing, an Expedited Deliverability Study shall be deemed third party beneficiaries of these Sections 6.2 and 6.3.

6.5 Term and Termination. This Agreement shall be effective from the date hereof and unless earlier terminated in accordance with this Section 6.5, shall continue in effect until the Expedited Deliverability Study is completed and approved by the NYISO Operating Committee. Interconnection Customer~~Developer~~ or NYISO may terminate this Agreement upon the later of (i) the withdrawal of the Interconnection Customer~~Developer~~'s Interconnection Request~~project~~ from the NYISO interconnection Queue, as applicable, or upon the Interconnection Customer's withdrawal of its request to be evaluated in the Expedited Deliverability Study, and (ii) the final reconciliation of any payments and deposits concerning the Expedited Deliverability Study in accordance with the requirements in Attachment HH to the NYISO's OATT.

6.6 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to any choice of laws provisions.

6.7 Severability. In the event that any part of this Agreement is deemed as a matter of law to be unenforceable or null and void, such unenforceable or void part shall be deemed severable from this Agreement and the Agreement shall continue in full force and effect as if each part was not contained herein.

6.8 Counterparts. This Agreement may be executed in counterparts, and each counterpart shall have the same force and effect as the original instrument.

6.9 Amendment. No amendment, modification or waiver of any term hereof shall be effective unless set forth in writing signed by the Parties hereto.

6.10 Survival. All warranties, limitations of liability and confidentiality provisions provided herein shall survive the expiration or termination

hereof.

6.11 Independent Contractor. NYISO shall at all times be deemed to be an independent contractor and none of its employees or the employees of its subcontractors shall be considered to be employees of Interconnection Customer~~Developer~~ or Connecting Transmission Owner as a result of this Agreement.

6.12 No Implied Waivers. The failure of a Party to insist upon or enforce strict performance of any of the provisions of this Agreement shall not be construed as a waiver or relinquishment to any extent of such party's right to insist or rely on any such provision, rights and remedies in that or any other instances; rather, the same shall be and remain in full force and effect.

6.13 Successors and Assigns. This Agreement, and each and every term and condition hereof, shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed by their duly authorized officers or agents on the day and year first above written.

New York Independent System Operator, Inc.

By: _____

Title: _____

Date: _____

[Insert name of Connecting Transmission Owner]

By: _____

Title: _____

Date: _____

[Insert name of Interconnection Customer~~Developer~~]

By: _____

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Title: _____

Date: _____

Attachment A To Appendix [*]2 - Expedited Deliverability Study Agreement

**SCHEDULE FOR CONDUCTING THE
EXPEDITED DELIVERABILITY STUDY**

The NYISO and Connecting Transmission Owner shall use Reasonable Efforts to complete the study and issue an Expedited Deliverability Study report to the [Interconnection Customer Developer](#) within the four months after of receipt of an executed copy of this Expedited Deliverability Study Agreement:

- Study work (other than data provision and study review) that may be requested of the Transmission Owner by the NYISO is currently not specified, but will be specified in a Study Work Agreement to be developed~~d~~^f between the NYISO and Transmission Owner.
- Pursuant to Article 5.0 of this Agreement, the rates for the study work are attached as Exhibit 1.

Attachment B To Appendix [*]2 - Expedited Deliverability Study Agreement

**DATA FORM TO BE PROVIDED BY INTERCONNECTION
CUSTOMER~~DEVELOPER~~**

WITH THE EXPEDITED DELIVERABILITY STUDY AGREEMENT

1. Provide location plan and simplified one-line diagram of the plant and station facilities. For staged projects, please indicate future generation, transmission circuits, etc.
2. Specify the MW level of Capacity Resource Interconnection Service (“CRIS”) requested; provided however, that CRIS requests are subject to the limits specified in Section [40.5.6.5]~~25.8.1~~ of Attachment HHS to the ISO OATT.

Evaluation election (MW of requested CRIS): _____

If the Project will consist of multiple units, specify the requested allocation of the above MW level of requested CRIS:

3. Proposed Schedule:

Begin Construction Date: _____

Initial Feedback Date~~Service~~ Date: _____

~~Initial~~ Synchronization Date Date: _____

Generation Testing Date: _____

Commercial Operation Date Date: _____

4. Additional Information Required as Part of this Data Form:

All facilities, including BTM:NG Resources, and Cluster Study~~Class Year~~ Transmission Projects, must also complete Section A, below.

A. Additional Information:

Nameplate MW: _____

Nameplate MVA: _____

Auxiliary Load: _____

For temperature sensitive units, provide MW vs. temp curves and indicate maximum summer and winter net capability below:

IITF February 16, 2024 Working Draft
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- Maximum summer net (net MW = gross MW minus auxiliary loads total MW) which can be achieved at 90 degrees F: _____
- Maximum winter net (net MW = gross MW minus auxiliary loads total MW) which can be achieved at 10 degrees F : _____

1. ~~One set of metering is required for each generation connection to the new ring bus or existing Connecting Transmission Owner station. Number of generation connections: _____~~

2. ~~On the one line indicate the generation capacity attached at each metering location. (Maximum load on CT/PT)~~

3. ~~On the one line indicate the location of auxiliary power. (Minimum load on CT/PT) Amps~~

4. ~~Will an alternate source of auxiliary power be available during CT/PT maintenance? _____ Yes _____ No~~

5. ~~Will a transfer bus on the generation side of the metering require that each meter set be designed for the total plant generation? _____ Yes _____ No~~

~~(If yes, indicate on one line diagram).~~

6. ~~What type of control system or PLC will be located at the Interconnection Customer'sDeveloper's facility?~~

7. ~~What protocol does the control system or PLC use?~~

8. ~~Please provide a 7.5 minute quadrangle of the site. Sketch the plant, station, transmission line, and property line.~~

9. ~~Physical dimensions of the proposed interconnection station:~~

10. ~~Bus length from generation to interconnection station:~~

11. ~~Line length from interconnection station to Connecting Transmission Owner's transmission line.~~

~~12. Tower number observed in the field. (Painted on tower leg):~~

~~13. Number of third-party easements required for transmission lines, if known:~~

14. Describe any injection-limiting equipment if the facility's existing or is requested ERIS is below its full output:

15. In addition to the above information, as applicable, for BTM:NG Resources, please also provide the following information:

Interconnection Customer or Customer-Site Load: _____ kW (if none, so state)

Existing load? Yes ___ No ___

If existing load with metered load data, provide coincident Summer peak load: _____

If new load or existing load without metered load data, provide estimated coincident Summer peak load: _____

Is the *new or existing load* in the Transmission Owner's service area?

___ Yes ___ No Local provider: _____

APPENDIX 1 to TO Attachment HH ATTACHMENT S – Allocation of Overage Cost

An Example of the Allocation of Overage Cost Among Interconnection Customers for Cluster Study Projects ~~Class Year Developers~~, in Accordance with Section [40.12.2] ~~25.6.2~~ of Attachment HHS:

There are five Interconnection Customers ~~Developer~~ projects in a Cluster Study ~~Class Year~~ 20XX.

The Cluster Project ~~Annual Transmission Reliability~~ Assessment (“ATRCPA”) determines that 10 System Upgrade Facilities (“SUFs”) are needed to reliably interconnect the Cluster Study ~~Class Year 20XX~~ pProjects, at a total cost of \$30 million.

The ~~Annual Transmission~~ Cluster Baseline Assessment (“ATCBA”) determines that 7 SUFs would be needed to meet reliability standards without the Class Year Study ~~20XX~~ pProjects, at a total cost of \$20 million. (Note: The ATCBA may have included some generic “projects” identical to or similar to some of the Cluster Study ~~Class Year 20XX~~ pProjects, but not necessarily. Also, some of the SUFs identified by the ATCBA may be the same as those identified in the ATRCPA, but not necessarily.)

- (1) The total cost of ATRCPA SUFs allocated to the Transmission Owners (“TOs”) is equal to the total cost of the ATCBA SUFs (\$20 million).
- (2) The total cost of ATRCPA SUFs allocated to the Interconnection Customer ~~Developers~~, the Overage Cost, is the net of the total cost of the ATRCPA vs. ATCBA SUFs (\$30 million - \$20 million = \$10 million).
- (3) The ratio of the Overage Cost to the total cost of ATRCPA SUFs, the Overage Cost Percentage, is used to compute the Interconnection Customers’ ~~Developers’~~ cost allocations for each ATRCPA SUF. In this example, the Overage Cost Percentage, the ratio, = \$10 million/\$30 million = 1/3 (The Interconnection Customers ~~Developers~~ pay 1/3 the cost of each ATRCPA SUF). Assume the cost of one of the ATRCPA SUFs (SUF#1) is \$3 million. The Interconnection Customers’ ~~Developers’~~ share of the cost of that SUF = 1/3 x \$3 million = \$1

million.

- (4) The Interconnection Customers'~~Developers'~~ share of the cost of each ATRCPA SUF is allocated among all the Interconnection Customers~~Developers~~ that have at least a *de minimus* impact causing the need for that SUF.

In this example, the ATRCPA determines that 3 of the 5 Cluster Study~~Class Year~~ ~~200X~~ pProjects have at least a *de minimus* impact causing the need for SUF#1.

- (5) The Interconnection Customers'~~Developers'~~ cost of an ATRCPA SUF is allocated to each Interconnection Customer~~Developer~~ that has at least a *de minimus* impact in accordance with the Contribution Percentage, or ratio of that Interconnection Customer's~~Developer's~~ measured impact, its electrical contribution, to the sum of the measured impact of all the Interconnection Customers~~Developers~~ that have at least a *de minimus* impact.

In this example, the measured impacts of the three projects are 200, 300, and 500 amps, respectively. Thus the pro rata shares of the projects' cost of SUF#1 are \$200K, \$300K, and \$500K, respectively.

Appendix 10 to Attachment HH ~~Date: _____~~ **Appendix 3 -**

Certification Codes and Standards

IEEE1547 Standard for Interconnecting Distributed Resources with Electric Power Systems (including use of IEEE 1547.1 testing protocols to establish conformity)

UL 1741 Inverters, Converters, and Controllers for Use in Independent Power Systems

IEEE Std 929-2000 IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems

NFPA 70 (2002), National Electrical Code

IEEE Std C37.90.1-1989 (R1994), IEEE Standard Surge Withstand Capability (SWC) Tests for Protective Relays and Relay Systems

IEEE Std C37.90.2 (1995), IEEE Standard Withstand Capability of Relay Systems to Radiated Electromagnetic Interference from Transceivers

IEEE Std C37.108-1989 (R2002), IEEE Guide for the Protection of Network Transformers

IEEE Std C57.12.44-2000, IEEE Standard Requirements for Secondary Network Protectors

IEEE Std C62.41.2-2002, IEEE Recommended Practice on Characterization of Surges in Low Voltage (1000V and Less) AC Power Circuits

IEEE Std C62.45-1992 (R2002), IEEE Recommended Practice on Surge Testing for Equipment Connected to Low-Voltage (1000V and Less) AC Power Circuits

ANSI C84.1-1995 Electric Power Systems and Equipment – Voltage Ratings (60 Hertz)

IEEE Std 100-2000, IEEE Standard Dictionary of Electrical and Electronic Terms
NEMA MG 1-1998, Motors and Small Resources, Revision 3

IEEE Std 519-1992, IEEE Recommended Practices and Requirements for Harmonic Control in Electrical Power Systems

NEMA MG 1-2003 (Rev 2004), Motors and Generators, Revision 1

Appendix 11 to Attachment HH4 - Certification of ~~Small-Generator~~ Equipment Packages for Generating Facilities 20 MW or Less

- 1.0 ~~Small~~ Generating Facility equipment proposed for use separately or packaged with other equipment in an interconnection system shall be considered certified for interconnected operation if: (1) it has been tested in accordance with industry standards for continuous utility interactive operation in compliance with the appropriate codes and standards referenced below by any Nationally Recognized Testing Laboratory (NRTL) recognized by the United States Occupational Safety and Health Administration to test and certify interconnection equipment pursuant to the relevant codes and standards listed in ~~SGIP~~-Appendix [10] to this Attachment HH3, (2) it has been labeled and is publicly listed by such NRTL at the time of the interconnection application, and (3) such NRTL makes readily available for verification all test standards and procedures it utilized in performing such equipment certification, and, with consumer approval, the test data itself. The NRTL may make such information available on its website and by encouraging such information to be included in the manufacturer's literature accompanying the equipment.
- 2.0 The Interconnection Customer must verify that the intended use of the equipment falls within the use or uses for which the equipment was tested, labeled, and listed by the NRTL.
- 3.0 Certified equipment shall not require further type-test review, testing, or additional equipment to meet the requirements of this interconnection procedure; however, nothing herein shall preclude the need for an on-site commissioning test by the parties to the interconnection nor follow-up production testing by the NRTL.
- 4.0 If the certified equipment package includes only interface components (switchgear, inverters, or other interface devices), then an Interconnection Customer must show that the generator or other electric source being utilized with the equipment package is compatible with the equipment package and is consistent with the testing and listing specified for this type of interconnection equipment.
- 5.0 Provided the generator or electric source, when combined with the equipment package, is within the range of capabilities for which it was tested by the NRTL, and does not violate the interface components' labeling and listing performed by the NRTL, no further design review, testing or additional equipment on the customer side of the point of common coupling shall be required to meet the requirements of this interconnection procedure.
- 6.0 An equipment package does not include equipment provided by the utility.
- 7.0 Any equipment package approved and listed in a state by that state's regulatory body for interconnected operation in that state prior to the effective date of these

IITF February 16, 2024 Working Draft
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small generator interconnection procedures shall be considered certified under these procedures for use in that state.

Appendix 12 to Attachment HH5 - Application, Procedures, and Terms and Conditions for Interconnecting a Certified Inverter-Based ~~Small~~ Generating Facility No Larger than 10 kW ("10 kW Inverter Process")

- 1.0 The Interconnection Customer ("Customer") completes the Interconnection Request ("Application") and submits it to the ISO. The ISO will send a copy to the Connecting Transmission Owner.
- 2.0 The ISO acknowledges to the Customer receipt of the Application within three Business Days of receipt.
- 3.0 The ISO, in consultation with the Connecting Transmission Owner, evaluates the Application for completeness and notifies the Customer within ten Business Days of receipt that the Application is or is not complete and, if not, advises what material is missing.
- 4.0 The ISO, in consultation with the Connecting Transmission Owner, verifies that the ~~Small~~ Generating Facility can be interconnected safely and reliably using the screens contained in the Fast Track Process in the SGIP. The ISO has 15 Business Days to complete this process. Unless the ISO, in consultation with the Connecting Transmission Owner, determines and demonstrates that the ~~Small~~ Generating Facility cannot be interconnected safely and reliably, the ISO approves the Application and returns it to the Customer, with a copy to the Connecting Transmission Owner. Note to Customer: Please check with the ISO before submitting the Application if disconnection equipment is required.
- 5.0 After installation, the Customer returns the Certificate of Completion to the ISO, and sends a copy to the Connecting Transmission Owner. Prior to parallel operation, the ISO, in consultation with the Connecting Transmission Owner, may inspect the ~~Small~~ Generating Facility for compliance with standards which may include a Connecting Transmission Owner witness test, and may schedule appropriate metering replacement, if necessary. The Customer shall cooperate with the ISO and the Connecting Transmission Owner to assure that the required inspection, witness test and/or metering replacement are completed within the timeframes outlined below.
- 6.0 The ISO notifies the Customer in writing that interconnection of the ~~Small~~ Generating Facility is authorized. If the witness test is not satisfactory, the Connecting Transmission Owner has the right to disconnect the ~~Small~~ Generating Facility. The Customer has no right to operate in parallel until a witness test has been performed, or previously waived on the Application. The Connecting Transmission Owner is obligated to complete this witness test within ten Business Days of the receipt of the Certificate of Completion, unless the Connecting Transmission Owner and Customer agree otherwise. If the Connecting Transmission Owner does not inspect within ten Business Days or by mutual agreement of the Parties, the witness test is deemed waived.

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

- 7.0 Contact Information – The Customer must provide the contact information for the legal applicant (i.e., the Customer). If another entity is responsible for interfacing with the ISO and Connecting Transmission Owner, that contact information must be provided on the Application.
- 8.0 Ownership Information – Enter the legal names of the owner(s) of the ~~Small~~ Generating Facility. Include the percentage ownership (if any) by any utility or public utility holding company, or by any entity owned by either.
- 9.0 UL1741 Listed – This standard (“Inverters, Converters, and Controllers for Use in Independent Power Systems”) addresses the electrical interconnection design of various forms of generating equipment. Many manufacturers submit their equipment to a Nationally Recognized Testing Laboratory (NRTL) that verifies compliance with UL1741. This “listing” is then marked on the equipment and supporting documentation.
- 10.0 The ISO is available to help resolve any disputes that may arise out of the proposed interconnection, in accordance with the procedures set forth in Section ~~[40.24.5]~~ ~~32.4.2 of the SGIP in~~ Attachment ~~HHZ to~~ of the ISO OATT.

**Application for Interconnecting a Certified Inverter-Based ~~Small~~ Generating Facility
No Larger than 10kW**

This Application is considered complete when it provides all applicable and correct information required below. Per ~~SGIP s~~Section [40.5.5.1.5*]~~32.1.5~~ of Attachment HH, documentation of ~~the s~~Site ~~e~~Control must be submitted with the Interconnection Request. Additional information to evaluate the Application may be required.

Processing Fee

A non-refundable processing fee of \$100 must accompany this Application.

Interconnection Customer

Name of Interconnection Customer: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-Mail Address: _____

Point of Contact

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

E-Mail Address: _____

Owner of the facility (include % ownership by any electric utility): _____

~~Small~~ Generating Facility Information

Location (if different from above): _____

Electric Service Company: _____

Account Number: _____

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Inverter Manufacturer: _____ Model _____

Nameplate Rating: _____ (kW) _____ (kVA) _____ (AC Volts)

Single Phase _____ Three Phase _____

System Design Capacity: _____ (kW) _____ (kVA)

Customer-Site Load: _____ MW (if none, so state)

Existing load? Yes ____ No ____

If existing load with metered load data, provide coincident Summer peak load: _____

If new load or existing load without metered load data, provide estimated coincident Summer peak load: _____

Prime Mover: Photovoltaic ☐ Reciprocating Engine ☐ Fuel Cell ☐

Turbine ☐ Other _____

Energy Source: Solar ☐ Wind ☐ Hydro ☐ Diesel ☐ Natural Gas ☐

Fuel Oil ☐ Other (describe) _____

Is the equipment UL1741 Listed? Yes ____ No ____

If Yes, attach manufacturer's cut-sheet showing UL1741 listing

Estimated Installation Date: _____ Estimated Initial Feedback-Service Date: _____

The 10kW Inverter Process is available only for inverter-based ~~Small~~ Generating Facilities no larger than 10kW that meet the codes, standards, and certification requirements of Appendices [10]3 and [11]4 of Attachment H to the ISO OATTthe SGIP, or the ISO, in consultation with the Connecting Transmission Owner, has reviewed the design or tested the proposed ~~Small~~ Generating Facility and is satisfied that it is safe to operate. If the review or testing raises safety issues, the ~~Small~~ Generating Facility will not be allowed to commence parallel operation until the issues are resolved.

List components of the ~~Small~~ Generating Facility equipment package that are currently certified:

Equipment Type	Certifying Entity
1. _____	_____
2. _____	_____

3. _____
4. _____
5. _____

Interconnection Customer Signature

I hereby certify that, to the best of my knowledge, the information provided in this Application is true. I agree to abide by the Terms and Conditions for Interconnecting an Inverter-Based ~~Small~~ Generating Facility No Larger than 10kW and return the Certificate of Completion when the ~~Small~~ Generating Facility has been installed.

Signed: _____

Title: _____ Date: _____

Contingent Approval to Interconnect the ~~Small~~ Generating Facility

(For ISO and Connecting Transmission Owner use only)

Interconnection of the ~~Small~~ Generating Facility is approved contingent upon the Terms and Conditions for Interconnecting an Inverter-Based ~~Small~~ Generating Facility No Larger than 10kW and return of the Certificate of Completion.

Connecting Transmission Owner Signature: _____

Title: _____ Date: _____

Connecting Transmission Owner waives inspection/witness test Yes___ No___

ISO Signature: _____

Title: _____ Date: _____

~~Small~~ Generating Facility Certificate of Completion

Is the ~~Small~~ Generating Facility owner-installed? Yes___ No___

Interconnection Customer: _____

Contact Person: _____

Address: _____

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Location of the ~~Small~~ Generating Facility (if different from above):

City: State: Zip Code:

Telephone:

E-Mail Address:

Electrician:

Name:

Address:

City: State: Zip Code:

Telephone:

E-Mail Address:

License number:

Date Approval to Install Facility granted by the Connecting Transmission Owner:

Inspection:

The ~~Small~~ Generating Facility has been installed and inspected in compliance with the local building/electrical code of

Signed (Local electrical wiring inspector, or attach signed electrical inspection):

Print Name:

Date:

As a condition of interconnection, you are required to send a copy of this form along with a copy of the signed electrical permit to the ISO and the Connecting Transmission Owner (insert contact information below):

Name:

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

NYISO: _____

Address: _____

City, State ZIP: _____

E-mail: _____

Name: _____

Connecting Transmission Owner: _____

Address: _____

City, State ZIP: _____

E-mail: _____

Approval to Energize the ~~Small~~-Generating Facility (For ISO and Connecting Transmission Owner use only)

Energizing the ~~Small~~-Generating Facility is approved contingent upon the Terms and Conditions for Interconnecting an Inverter-Based ~~Small~~-Generating Facility No Larger than 10kW

ISO Signature: _____

Title: _____ Date: _____

Connecting Transmission Owner Signature: _____

Title: _____ Date: _____

Terms and Conditions for Interconnecting an Inverter-Based ~~Small~~ Generating Facility No Larger than 10kW (“Terms and Conditions”)

1.0 Construction of the Facility

The Interconnection Customer (the “Customer”) may proceed to construct (including operational testing not to exceed two hours) the ~~Small~~-Generating Facility when the ISO approves the Interconnection Request (the “Application”) and returns it to the Customer.

2.0 Interconnection and Operation

The Customer may operate ~~Small~~-Generating Facility and interconnect with the Connecting Transmission Owner’s Distribution System once all of the following have occurred:

2.1 Upon completing construction, the Customer will cause the ~~Small~~-Generating Facility to be inspected or otherwise certified by the appropriate local electrical wiring inspector with jurisdiction, and

2.2 The Customer returns the Certificate of Completion to the ISO and the Connecting Transmission Owner, and

2.3 The Connecting Transmission Owner has either:

2.3.1 Completed its inspection of the ~~Small~~-Generating Facility to ensure that all equipment has been appropriately installed and that all electrical connections have been made in accordance with applicable codes. All inspections must be conducted by the Connecting Transmission Owner, at its own expense, within ten Business Days (unless the Parties agree otherwise) after receipt of the Certificate of Completion and shall take place at a time agreeable to the Parties. The Connecting Transmission Owner shall provide a written statement that the ~~Small~~ Generating Facility has passed inspection or shall notify the Customer of what steps it must take to pass inspection as soon as practicable after the inspection takes place; or

2.3.2 If the Connecting Transmission Owner does not schedule an inspection of the ~~Small~~-Generating Facility within ten business days after receiving the Certificate of Completion, the witness test is deemed waived (unless the Parties agree otherwise), unless the Interconnection Customer has not provided a reasonable opportunity for such inspection; or

2.3.3 The Connecting Transmission Owner waives the right to inspect the ~~Small~~ Generating Facility.

2.4 The Connecting Transmission Owner has the right to disconnect the ~~Small~~ Generating Facility in the event of improper installation or failure to return the Certificate of Completion.

2.5 Revenue quality metering equipment must be installed and tested in accordance with applicable ANSI standards.

3.0 Safe Operations and Maintenance

The Customer shall be fully responsible to operate, maintain, and repair the ~~Small~~ Generating Facility as required to ensure that it complies at all times with the interconnection standards to which it has been certified.

4.0 Access

The Connecting Transmission Owner shall have access to the disconnect switch (if the disconnect switch is required) and metering equipment of the ~~Small~~ Generating Facility at all times. The Connecting Transmission Owner shall provide reasonable notice to the Customer when possible prior to using its right of access.

5.0 Disconnection

The Connecting Transmission Owner may temporarily disconnect the ~~Small~~ Generating Facility upon the following conditions, until the conditions no longer exist:

5.1 For scheduled outages upon reasonable notice.

5.2 For unscheduled outages or emergency conditions.

5.3 If the ~~Small~~ Generating Facility does not operate in the manner consistent with these Terms and Conditions, the ISO OATT and Applicable Reliability ~~Standards~~ Requirements.

5.4 The Connecting Transmission Owner shall inform the Customer in advance of any scheduled disconnection, or as is reasonable after an unscheduled disconnection.

6.0 Indemnification

The Parties shall at all times indemnify, defend, and save the other Parties harmless from, any and all damages, losses, claims, including claims and actions relating to injury to or death of any person or damage to property, demand, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the indemnified Party's action or inactions of its obligations under this agreement on behalf of the indemnifying Party, except in cases of gross negligence or intentional wrongdoing by the indemnified Party.

7.0 Insurance

The Interconnection Customer and Connecting Transmission Owner shall each follow all applicable insurance requirements imposed by New York State. All insurance policies must be maintained with insurers authorized to do business in New York State, and all policies must be in place ten Business Days prior to the operation of the Inverter-Based ~~Small~~ Generating Facility. The Interconnection

Customer and Connecting Transmission Owner shall notify each other whenever an accident or incident recurs that is covered by such insurance, whether or not such coverage is sought. The Interconnection Customer's insurance requirements shall be specified in an attachment to these Terms and Conditions.

8.0 Limitation of Liability

Each Party's liability to the other Parties for any loss, cost, claim, injury, liability, or expense, including reasonable attorney's fees, relating to or arising from any act or omission in its performance of this Agreement, shall be limited to the amount of direct damage actually incurred. In no event shall any Party be liable to any other Parties for any indirect, incidental, special, consequential, or punitive damages of any kind whatsoever, except as allowed under paragraph 6.0.

9.0 Termination

The agreement to operate in parallel shall become effective when executed by the Parties and shall continue in effect until _____. The agreement may be terminated earlier under the following conditions:

9.1 By the Customer

By providing written notice to the NYISO and the Connecting Transmission Owner.

9.2 By the ISO and the Connecting Transmission Owner

If the ~~Small~~-Generating Facility fails to operate for any consecutive 12 month period or the Customer fails to remedy a violation of these Terms and Conditions.

9.3 Permanent Disconnection

In the event this Agreement is terminated, the Connecting Transmission Owner shall have the right to disconnect its facilities or direct the Customer to disconnect its ~~Small~~-Generating Facility.

9.4 Survival Rights

This Agreement shall continue in effect after termination to the extent necessary to allow or require any Party to fulfill rights or obligations that arose under the Agreement.

10.0 Assignment/Transfer of Ownership of the ~~Small~~ Generating Facility

This Agreement shall survive the transfer of ownership of the ~~Small~~-Generating Facility to a new owner when the new owner agrees in writing to comply with the terms of this Agreement and so notifies the NYISO and the Connecting Transmission Owner.

Interconnection Customer:

Connecting Transmission Owner:

By: _____

By: _____

IITF February 16, 2024 Working Draft
Incremental revisions from the 2/6/24 IITF are highlighted in yellow

Name: _____ Name: _____

Date: _____ Date: _____

New York Independent System Operator, Inc.

By: _____

Name: _____

Date: _____