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June 30, 2020

Ms. Sara Keegan  
Mr. Thinh T. Nguyen  
New York Independent System Operator

*Via E-Mail:*

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Dear Mr. Nguyen and Ms. Keegan:

The Alliance for Clean Energy New York (ACE NY) is writing to request that the NYISO begin work as soon as possible to add a new regulatory milestone to the tariff that governs the interconnection process.

As you know, this Spring, a new state law, the Accelerated Renewable Energy Growth and Community Benefit Act, was created in that makes many changes to portions of New York’s electric industry. Among the changes is the creation of a new siting process for renewable energy facilities. A new siting entity, the Office of Renewable Energy Siting, is created by the law to handle permits associated with renewable generation facilities that are larger than 25 MW. [Section 94-c.3(a)].

The NYISO’s tariff contains a list of regulatory milestones (Section 25.6.2.3.1.1.). There are currently nine items listed in this section of the tariff. One of them pertains to a determination pursuant to the Public Service Law that the Article 10 application filed by a large generator (larger than 25 MW) is in compliance with the Public Service Law (Section 25.6.2.3.1.1.7). This determination is what is commonly referred to as a finding that the siting permit has been “deemed complete.” According to the new law, permits for such facilities will be moved to the Office of Renewable Energy Siting. The new law specifies that the Office of Renewable Energy Siting shall “determine whether the application is deemed complete and notify the applicant of its determination.” [Section 94-c.5(b)]. This determination is the equivalent of the one that refers to the Public Service Law’s Article 10 mentioned above. There is a need for the NYISO tariff to be changed to add a new regulatory milestone that corresponds to the new law’s provisions for deeming a siting application complete.

ACE NY proposes the following new regulatory milestone to be inserted into the tariff’s Section 25.6.2.3.1.1:

*Under the Accelerated Renewable Energy Growth and Community Benefit Act, a determination by the Office of Renewable Energy Siting that the application by the large facility for a siting permit is complete.*

ACE NY has attempted to mirror the language contained in the Act and to comport with the format of the NYISO’s tariff in composing this language.

There is a need to move quickly on this. Regulatory milestones are one of the primary ways that a project can become eligible to enter a Class Year Study. The next Class Year Study could begin as soon as October/November of this year. The timing of the new Office of Renewable Energy Siting's activities are unclear at this time, but because the new law allows a project to transfer its already-underway Article 10 activities to the Office of Renewable Energy Siting, it may be possible that the new law's determinations could occur in time for the next Class Year Study.

ACE NY greatly appreciates the efforts that you have made in implementing improvements to interconnection process. We are ready and look forward to working with you in getting this new tariff language prepared and implemented.

Sincerely,

A handwritten signature in cursive script that reads "Anne Reynolds".

Anne Reynolds, Executive Director