

126 FERC ¶ 61,056
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;
Sudeen G. Kelly, Marc Spitzer,
Philip D. Moeller, and Jon Wellinghoff.

Hudson Transmission Partners, LLC

Docket No. EL07-70-003

v.

New York Independent System Operator, Inc.

ORDER GRANTING CLARIFICATION

(Issued January 21, 2009)

1. Hudson Transmission Partners, LLC (HTP) requests clarification of the August 22, 2008 order in this proceeding.¹ Specifically, HTP requests confirmation that its proposed interconnection project has entered the New York Independent System Operator, Inc.'s (NYISO) 2008 Class Year and that Cross Hudson Corporation's (Cross Hudson) competing interconnection project is assigned Queue Position No. 295 in NYISO's interconnection queue. For the reasons discussed below, we grant clarification.

I. Background

2. HTP and Cross Hudson are developers planning to construct competing interconnection projects. HTP is planning to construct a 660 MW controllable transmission line from the Bergen Substation in Bergen County, New Jersey to Consolidated Edison Company of New York's West 49th Street Substation in New York City. Cross Hudson is planning to construct a 550 MW transmission line from generation in Ridgefield, New Jersey to the same substation. Both projects would require access to the same vacant ring bus; consequently, HTP and Cross Hudson have engaged in

¹ *Hudson Transmission Partners, LLC*, 124 FERC ¶ 61,182 (2008) (August 2008 Order).

litigation to determine which project will be assigned the vacant ring bus and which project will be allocated a share of the cost of constructing a new ring bus.²

3. Following this litigation, NYISO filed a motion requesting confirmation that the Commission did not intend to override the cost allocation and facility assignment procedures in its Open Access Transmission Tariff. In the August 2008 Order, the Commission granted NYISO's motion; it also stated that neither the HTP project nor the Cross Hudson project had entered a Class Year,³ and that the Cross Hudson Project had been assigned Queue Position No. 255.

II. Request for Clarification

4. HTP states the Commission inadvertently misstated its project's status. HTP explains that on April 9, 2008—after NYISO filed its motion, but before the Commission issued the August 2008 Order—it received confirmation from NYISO that its project qualified for the 2008 Class Year. HTP states that it submitted the required deposit and executed the required Facilities Study Agreement on May 5, 2008. HTP also states that the Commission inadvertently committed a typographical error by stating that Cross Hudson was assigned Queue Position No. 255 rather than Queue Position No. 295.

5. We grant clarification. HTP has provided documentation, including an e-mail from NYISO, showing that its project did in fact enter the 2008 Class Year during the pendency of NYISO's motion. Moreover, after reviewing NYISO's interconnection queue, we agree with HTP that there is a typographical error in the August 2008 Order, and that Cross Hudson's project is assigned Queue Position No. 295, not Queue Position No. 255.

² See *Hudson Transmission Partners, LLC*, 120 FERC ¶ 61,179 (2007) (August 2007 Order), *reh'g denied*, 122 FERC ¶ 61,024 (2008), *order on clarification*, August 2008 Order, 124 FERC ¶ 61,182. For a more complete history of this proceeding, see August 2007 Order, 120 FERC ¶ 61,179 at P 8-28.

³ A project is included in a Class Year if, before the start of the Class Year study, its interconnection System Reliability Impact Study has been approved by NYISO's Operating Committee, and state regulators have determined that the applicable permit application has been completed.

The Commission orders:

HTP's request for clarification is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.