



November 5, 2025

**VIA EMAIL**

Maria Robinson  
Grid Deployment Office  
U.S. Department of Energy  
1000 Independence Avenue, SW  
Washington, DC 20585  
electricity.exports@hq.doe.gov

**Re: *GB II New York LLC,***  
**Application for Authorization to Transmit Electric Energy to Canada**

Dear Ms. Robinson:

Enclosed for filing is the “Application of GB II New York LLC for Authorization to Transmit Electric Energy to Canada.” The filing fee of \$500.00 has been paid electronically via pay.gov.

Thank you for your assistance in this matter.

Respectfully submitted,

/s/ Neil L. Levy  
Neil L. Levy

Counsel for **GB II New York LLC**

Enclosures

cc: Marina Fennel (GDO, Program Manager)  
Federal Energy Regulatory Commission

**UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY  
GRID DEPLOYMENT OFFICE**

**GB II New York LLC**

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**Docket No. EA-\_\_\_\_\_**

**APPLICATION OF GB II NEW YORK LLC FOR AUTHORIZATION  
TO TRANSMIT ELECTRIC ENERGY TO CANADA**

Pursuant to Section 202(e) of the Federal Power Act (the “FPA”),<sup>1</sup> and Part 205, Subpart W of the regulations of the U.S. Department of Energy (the “Department” or “DOE”),<sup>2</sup> GB II New York LLC (“Applicant”) hereby submits this application (this “Application”) for authorization to transmit electric energy from the United States to Canada for a period of five years, effective as described herein. In support of this Application, Applicant respectfully states as follows:

**I.**

**DESCRIPTION OF APPLICANT**

The exact legal name of Applicant is GB II New York LLC.

Applicant is a Delaware corporation that owns and operates an 817 MW (summer rating) natural gas-fired electric generation facility located in Glenmont, New York. Applicant is an exempt wholesale generator<sup>3</sup> that has been granted authorization by the Federal Energy Regulatory Commission (“FERC”) to make sales at market-based rates.<sup>4</sup>

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<sup>1</sup> 16 U.S.C. § 824a(e) (2018).

<sup>2</sup> 10 C.F.R. §§ 205.300, *et seq.* (2025).

<sup>3</sup> *See PSEG Power New York Inc.*, 91 FERC ¶ 62,210 (2000).

<sup>4</sup> *See PSEG Power New York Inc.*, Docket No. ER22-40-001 (Nov. 19, 2021) (unreported).

Applicant is an indirect subsidiary of Alpha Generation, LLC (“AlphaGen”).<sup>5</sup> AlphaGen, in turn, is a majority subsidiary of ArcLight Energy Partners Fund VII, L.P.

## II.

### **PARTNERS**

Applicant is not seeking authorization to export power on behalf of any of its partners or members.<sup>6</sup>

## III.

### **CORRESPONDENCE AND COMMUNICATIONS**

All correspondence and communications regarding this application should be addressed to the following persons:

Jason Buchman  
General Counsel  
Alpha Generation, LLC  
700 Louisiana Street  
Suite 4400  
Houston, Texas 77002  
(832) 219-0704  
jbuchman@alphagen.com

Neil L. Levy  
McDERMOTT WILL & SCHULTE LLP  
The McDermott Building  
500 North Capitol Street, NW  
Washington, DC 20001  
(202) 756-8080  
(202) 756-8087 (facsimile)  
nlevy@mwe.com

## IV.

### **JURISDICTION**

Other than the Department, Applicant is not aware of any federal, state, or local government agency that has jurisdiction over the actions to be taken under the authority sought in this Application.<sup>7</sup>

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<sup>5</sup> A separate, unaffiliated co-investor owns 16.8% of an AlphaGen upstream owner.

<sup>6</sup> See 10 C.F.R. § 205.302(b) (2025).

<sup>7</sup> See 10 C.F.R. § 205.302(e) (2025).

## V.

### **APPLICABLE TRANSMISSION FACILITIES**

Consistent with the Department's prior orders, Applicant requests authorization to export power to Canada over any authorized international transmission facility that is appropriate for open access transmission by third parties in accordance with the export limits authorized by the Department.<sup>8</sup> Exhibit C to this Application identifies the international transmission facilities that are currently authorized by Presidential Permit and available for open access transmission.<sup>9</sup>

## VI.

### **TECHNICAL DISCUSSION AND PROCEDURES**

Applicant hereby seeks authorization to transmit electric energy to Canada. As described above, Applicant owns a generation facility in New York that is interconnected with the transmission grid operated by the New York Independent System Operator, Inc. (the "NYISO"). Applicant therefore does not have an "electric power supply system"<sup>10</sup> that would cause Applicant's electricity exports to have a reliability, fuel use, or system stability impact. Applicant also does not have any load obligations in the NYISO market or elsewhere, and the electricity produced by the generation facility owned by Applicant has not been committed to any electric power supply system or purchaser in the United States.

Applicant has entered into a contractual arrangement to sell "installed capacity" and associated energy into Canada. This commitment of installed capacity to Canada necessitated, and will continue to necessitate for the balance of the contractual commitment, monthly notifications

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<sup>8</sup> See, e.g., *Macquarie Energy LLC*, Order Authorizing Electricity Exports to Canada, Order No. EA-479-A (July 11, 2025).

<sup>9</sup> See *id.* at 15-17.

<sup>10</sup> 10 C.F.R. § 205.302(g) (2025).

to, and permission of, the NYISO and The Independent Electricity System Operator of Ontario (the “IESO”). The energy that is associated with this commitment of installed capacity must be linked to the specific electric generating facility owned by Applicant and, as stated previously, the output of such facility has not been committed to any system or purchaser within the United States. As a result of this commitment of installed capacity backed energy, Applicant has been and remains specifically foreclosed from selling its installed capacity within the NYISO region. Thus, there can be no “double counting” of the installed capacity and each of the NYISO and the IESO can be assured that the installed capacity is only being counted by one control area operator, and never both simultaneously, for purposes of resource adequacy reliability requirements. There may also be limited circumstances where Applicant may purchase available power in the NYISO market or from third parties, which by definition is surplus power, for resale in Canada.

Accordingly, Applicant’s proposed electricity exports will not impair or impede the sufficiency of electric power supplies in the United States or the regional coordination of electric utility planning or operations.<sup>11</sup>

Applicant has made, and will continue to make, all necessary commercial arrangements and will obtain any and all other regulatory approvals required in order to carry out any electricity exports. This would include:

1. Scheduling each transaction with the NYISO, the IESO and any other appropriate balancing authorities;
2. Following all relevant procedures and/or market structures, and coordination with all parties as required pursuant to the applicable market rules;

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<sup>11</sup> See *id.*

3. Complying with the applicable reliability standards and guidelines of the North American Electric Reliability Corporation and relevant Regional Entities; and
4. Obtaining necessary transmission access over approved export facilities and complying with the export limits contained in the relevant export authorization of any transmission facilities over which Applicant exports electricity to Canada.

Given that Applicant only intends to export power over existing transmission lines, this application qualifies for a categorical exclusion under the Department's regulations implementing the National Environmental Policy Act of 1969.<sup>12</sup>

Applicant respectfully requests that the Department grant it authorization to transmit electric energy to Canada for a term of five years, effective beginning May 1, 2025. As described in the Affidavit of Liam Baker, Senior Vice President, Regulatory Affairs, at AlphaGen, which is provided herein at Attachment 2, Applicant is hereby requesting that authorization to transmit electric energy to Canada be made effective retroactively because Applicant inadvertently made limited sales into Canada without prior authorization from the Department. Upon learning that such sales had been made without authorization, Applicant immediately contacted DOE Staff and initiated this Application process to ensure the requisite approval may be obtained as quickly as possible. Applicant has not made sales into Canada since learning of this oversight and hereby commits not to make future exports to Canada until such approval is obtained. Applicant deeply regrets this oversight and has adopted internal safeguards to ensure that such errors are not repeated.

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<sup>12</sup> See 10 C.F.R. Part 1021, Subpart D, Appendix B, § B4.2 (2025) (providing a categorical exclusion for the "[e]xport of electric energy as provided by Section 202(e) of the [FPA] over existing transmission systems or using transmission system changes that are themselves categorically excluded").

## **VII.**

### **EXHIBITS AND ATTACHMENTS**

In accordance with 10 C.F.R. § 205.303 (2025), the following exhibits are attached hereto:

|              |                                                                                 |
|--------------|---------------------------------------------------------------------------------|
| Exhibit A    | Agreements                                                                      |
| Exhibit B    | Legal Opinion of Applicant's counsel                                            |
| Exhibit C    | Transmission Facilities (submitted in lieu of maps)                             |
| Exhibit D    | Non-U.S. Applicant's Power of Attorney – Not Applicable                         |
| Exhibit E    | State of Foreign Relationship – Not Applicable <sup>13</sup>                    |
| Exhibit F    | Operating Procedures – Not Applicable <sup>14</sup>                             |
| Attachment 1 | Verification                                                                    |
| Attachment 2 | Affidavit of Liam Baker, Senior Vice President, Regulatory Affairs, at AlphaGen |
| Attachment 3 | Copies of the FERC order granting Applicant market-based rate authority         |

## **VIII.**

### **CONCLUSION**

**WHEREFORE**, for the reasons set forth herein, Applicant respectfully requests that the Department issue an order granting Applicant authorization to transmit electric energy to Canada for a period of five years, effective as requested herein.

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<sup>13</sup> There are no corporate relationships or existing contracts between Applicant and any other person, corporation, or foreign government, which in any way relate to the control or fixing of rates for the purchase, sale, or transmission of electric energy.

<sup>14</sup> Applicant owns generation facilities and is not a franchised electric utility with captive customers.

Respectfully submitted,

**GB II NEW YORK LLC**

By: /s/ Neil L. Levy  
Neil L. Levy  
Stephanie S. Lim  
McDERMOTT WILL & SCHULTE LLP  
The McDermott Building  
500 North Capitol Street, NW  
Washington, DC 20001

Counsel for **GB II New York LLC**

Dated: November 5, 2025



**Exhibit A**  
**Agreement**



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# Participation Agreement

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Between

**GB II NEW YORK LLC**

**As Applicant**

and

**INDEPENDENT ELECTRICITY SYSTEM OPERATOR**

October 11, 2022

**AGREEMENT**

## **Exhibit B**

### **Legal Opinion of Applicant's Counsel**

## **LEGAL OPINION**

The following opinion is given in support of the foregoing Application of GB II New York LLC for Authorization to Transmit Electric Energy to Canada (the "Application").

1. GB II New York LLC is a duly incorporated and validly existing limited liability company, which is in good standing under the laws of the State of Delaware.
2. GB II New York LLC has the corporate capacity to act in the manner described in the Application.
3. To the best of my knowledge and belief, GB II New York LLC is in the process of complying with all Federal and State laws regarding the matters contemplated in the Application.



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Jason Buchman  
General Counsel  
GB II New York LLC

Dated: November 4, 2025

**Exhibit C**  
**Transmission Facilities**

### **Existing and Planned International Transmission Facilities<sup>1</sup>**

| <b>Owner</b>                             | <b>Location</b>                                                       | <b>Voltage</b>                       | <b>Presidential Permit No.<sup>2</sup></b> |
|------------------------------------------|-----------------------------------------------------------------------|--------------------------------------|--------------------------------------------|
| Bangor Hydro-Electric Company            | Baileyville, ME                                                       | 345-kV                               | PP-89                                      |
| Basin Electric Power Cooperative         | Tioga, ND                                                             | 230-kV                               | PP-64                                      |
| Bonneville Power Administration (BPA)    | Blaine, WA<br>Nelway, WA<br>Nelway, WA                                | 2-500-Kv<br>230-kV<br>230-kV         | PP-10<br>PP-36<br>PP-46                    |
| CHPE LLC                                 | Champlain, NY                                                         | ±230-kV DC                           | PP-481                                     |
| Eastern Maine Electric Cooperative, Inc. | Calais, ME                                                            | 69-kV                                | PP-32<br>PP-501<br>PP-20                   |
| International Transmission Company       | Detroit, MI<br>Marysville, MI<br>St. Claire, MI<br>St. Claire, MI     | 230-kV<br>230-kV<br>230-kV<br>345-kV | PP-230<br>PP-230<br>PP-230<br>PP-230       |
| ITC Lake Erie Connector                  | Erie County, PA                                                       | 320-kV                               | PP-412*                                    |
| Highgate Joint Owners                    | Highgate, VT                                                          | 120-kV                               | PP-82-5                                    |
| Long Sault, Inc.                         | Massena, NY                                                           | 2-115-kV                             | PP-24                                      |
| Maine Electric Power Company             | Houlton, ME                                                           | 345-kV                               | PP-43                                      |
| Maine Public Service Company             | Limestone, ME<br>Fort Fairfield, ME<br>Madawaska, ME<br>Aroostook, ME | 69-kV<br>69-kV<br>138-kV<br>2-69-kV  | PP-12<br>PP-12<br>PP-29<br>PP-29           |
| Minnesota Power, Inc.                    | International Falls, MN<br>Roseau County, MN                          | 115-kV<br>500-kV                     | PP-78<br>PP-398                            |
| Minnkota Power Cooperative               | Roseau County, MN                                                     | 230-kV                               | PP-61                                      |
| Montana Alberta Tie Ltd.                 | Cut Bank, MT                                                          | 230-kV                               | PP-399                                     |
| NECEC Transmission LLC                   | Beattie Township, ME                                                  | ±320-kV                              | PP-438*                                    |
| New York Power Authority                 | Massena, NY<br>Massena, NY<br>Niagara Falls, NY                       | 765-kV<br>2-230-kV<br>2-345-kV       | PP-56<br>PP-25<br>PP-74                    |

<sup>1</sup> These international transmission facilities are authorized by Presidential Permit and available for open access transmission as of the most recent order authorizing electricity exports to Canada. See *Macquarie Energy LLC*, Order Authorizing Electricity Exports to Canada at 15-17, Order No. EA-479-A (July 11, 2025).

<sup>2</sup> These Presidential Permit numbers refer to the generic DOE permit number and are intended to include any subsequent amendments to the permit authorizing the facility

| <b>Owner</b>                      | <b>Location</b>                                                      | <b>Voltage</b>                      | <b>Presidential Permit No.<sup>2</sup></b> |
|-----------------------------------|----------------------------------------------------------------------|-------------------------------------|--------------------------------------------|
|                                   | Devils Hole, NY                                                      | 230-kV                              | PP-30                                      |
| Niagara Mohawk Power Corp.        | Devils Hole, NY                                                      | 230-kV                              | PP-190                                     |
| Northern States Power Company     | Red River, ND<br>Roseau County, MN<br>Rugby, ND                      | 230-kV<br>500-kV<br>230-kV          | PP-45<br>PP-63<br>PP-231                   |
| Sea Breeze Olympic Converter LP   | Port Angeles, WA                                                     | ±450-kV DC                          | PP-299*                                    |
| TDI New England                   | Alburgh, VT                                                          | ±320-kV DC                          | PP-400*                                    |
| Vermont Electric Power Co.        | Derby Line, VT                                                       | 120-kV                              | PP-66                                      |
| Vermont Electric Transmission Co. | Norton, VT                                                           | ±450-kV DC                          | PP-76                                      |
| Vermont Transco LLC               | Highgate, VT                                                         | 120 kV                              | PP-82                                      |
| Versant Power                     | Easton, ME<br>Fort Fairfield, ME<br>Madawaska, ME<br>Baileyville, ME | 7.2 kV<br>69 kV<br>138 kV<br>345 kV | PP-499<br>PP-497<br>PP-498<br>PP-500       |

\* These transmission facilities have been authorized but not yet constructed or placed into operation.

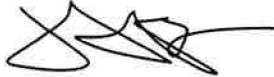
## **Attachment 1**

### **Verification**



**VERIFICATION**

Jason Buchman, being first duly sworn, states that he is the General Counsel of GB II New York LLC; that he is authorized to execute this verification; that he has read the above and foregoing Application and is familiar with the contents thereof; and that all statements contained therein are true and correct to the best of his knowledge, information, and belief.

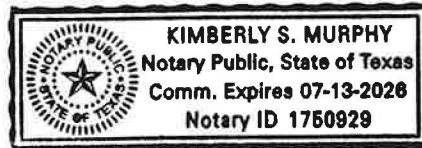


Jason Buchman  
General Counsel  
GB II New York LLC

Subscribed and sworn to before me this 4<sup>th</sup> day of November, 2025.



Notary Public  
for the State of Texas



My Commission expires: 07-13-2026

**Attachment 2**  
**Affidavit of Liam Baker**

**UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY  
GRID DEPLOYMENT OFFICE**

**GB II New York LLC**

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**Docket No. EA-\_\_\_\_\_**

**AFFIDAVIT OF LIAM BAKER**

1. My name is Liam Baker. I am the Senior Vice President, Regulatory Affairs, at Alpha Generation, LLC (“AlphaGen”). I am submitting this affidavit in support of the “Application of GB II New York LLC for Authorization to Transmit Electric Energy to Canada” (the “Application”).
2. GB II New York LLC (“GB II New York”) is an indirect, wholly owned subsidiary of AlphaGen.
3. GB II New York owns and operates the Bethlehem Energy Center, an 817 MW (summer rating) natural gas-fired electric generation facility located in Glenmont, New York. The Bethlehem Energy Center is interconnected to the transmission grid operated by the New York Independent System Operator, Inc. (“NYISO”).
4. GB II New York does not have load obligations in the NYISO market or elsewhere in the United States. GB II New York generally sells the electric energy produced by the Bethlehem Energy Center into the NYISO markets. As described in the Application, GB II New York has also entered into a contractual commitment to sell installed capacity and associated energy in Canada.
5. In conducting a routine review of GB II New York’s compliance with regulatory requirements, on September 22, 2025, AlphaGen realized that there have been limited occasions in the past where GB II New York has sold electric energy produced by the

Bethlehem Energy Center to purchasers in Canada. The table below shows the dates on which GB II New York sold electricity in Canada, and the amounts (in MWh) of such sales:

| Date      | Sales (in MWh) |
|-----------|----------------|
| 5/13/2025 | 1.0            |
| 5/21/2025 | 1160.0         |
| 6/23/2025 | 2610.0         |
| 6/24/2025 | 2539.0         |
| 7/15/2025 | 2610.0         |
| 7/28/2025 | 2610.0         |
| 7/29/2025 | 2610.0         |
| 8/11/2025 | 2610.0         |
| 8/12/2025 | 2610.0         |
| 8/13/2025 | 2610.0         |

6. The sales listed above on May 13, 2025, and May 21, 2025, by GB II New York were for test energy only. Thus, since sales to Canada commenced, there have been a total of only eight transactions that were the subject of the contractual obligations discussed in the Application, all of which occurred in the three-month period from June-August 2025.
7. Upon discussing the matter with employees of GB II New York, I determined that the sales above resulted from the mistaken belief that, because GB II New York has been granted market-based rate authorization by the Federal Energy Regulatory Commission, no other authorizations were required for sales into Canada.
8. Upon discovering that unauthorized sales had been made, GB II New York immediately instructed its counsel to contact the Staff of the Department of Energy and initiated this Application process to ensure the requisite authorization is obtained as quickly as possible.

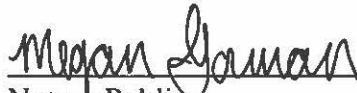
GB II New York has not made sales into Canada since learning of this oversight and has committed not to make future sales in Canada until such authorization is obtained.

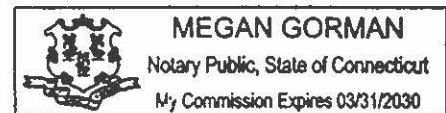
9. GB II New York has now also taken steps to avoid a recurrence of this error by designating specific personnel to monitor required authorizations, including the authorization requested in the Application.



Liam Baker  
Senior Vice President, Regulatory Affairs  
Alpha Generation, LLC

Subscribed and sworn to before me this 4<sup>th</sup> day of November, 2025.

  
Notary Public  
for the State of Connecticut



My Commission expires: 3/31/2030

## **Attachment 3**

### **FERC Order Granting Market-Based Rate Authorization**

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
PSEG Power New York Inc.  
Docket No. ER22-40-001

Issued: November 19, 2021

Cara J. Lewis  
PSEG Services Corporation  
80 Park Plaza  
Newark, New Jersey 07201

Reference: Market-Based Rate Authorization

On October 4, 2021, as amended on October 29, 2021, you filed on behalf of PSEG Power New York Inc. (PSEG NY) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy, capacity, and ancillary services at market-based rates.<sup>1</sup> You request on behalf of PSEG NY waivers commonly granted to similar market-based rate applicants. PSEG NY's market-based rate tariff is accepted for filing, effective December 3, 2021, as requested.<sup>2</sup> Based on your representations, PSEG NY meets the criteria for a Category 2

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<sup>1</sup> PSEG NY requests authorization to sell ancillary services in all of the regional transmission organization or independent system operator markets for which the Commission has approved sales of specific ancillary services. PSEG NY also requests authorization to engage in the sale of certain ancillary services as a third-party provider in other markets.

<sup>2</sup> PSEG Power New York Inc., Market Based Rate Tariff; [FERC Electric, Market-Based Rate \(1.0.0\)](#). The next time PSEG NY makes a market-based rate filing with the Commission, it must include a revised tariff in compliance with Order Nos. 697 and 697-A to include appropriate citations. *See Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 697, 119 FERC ¶ 61,295, at P 916 (2007), *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055, at P 384 (2008). *See also Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,275 (2007) at P 8.

seller in the Northeast region and a Category 1 seller in all other regions, and is so designated.<sup>3</sup>

Your filings were noticed on October 4, 2021 and October 29, 2021, with comments, protests, or interventions due on or before November 5, 2021. None was filed.

### **Market-Based Rate Authorization**

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.<sup>4</sup>

You represent that PSEG NY is owned by Public Service Enterprise Group Incorporated and owns, operates, or controls 815 megawatts of generation capacity in the New York Independent System Operator, Inc. (NYISO) market. In lieu of submitting the indicative market power screens for the NYISO market, you state that you are relying on Commission-approved market monitoring and mitigation to address potential horizontal market power that PSEG NY may have in that market.<sup>5</sup> Based on your representations, PSEG NY satisfies the Commission's requirements for market-based rate authority regarding horizontal market power.<sup>6</sup>

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<sup>3</sup> See *Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 816, 153 FERC ¶ 61,065, at P 320 (2015). Order No. 697, 119 FERC ¶ 61,295 at PP 848-850. PSEG NY must file an updated market power analysis for each region in which it is designated as a Category 2 seller in compliance with the regional reporting schedule. See Order No. 816, 153 FERC ¶ 61,065 at P 353.

<sup>4</sup> Order No. 697, 119 FERC ¶ 61,295 at PP 62, 399, 408, 440.

<sup>5</sup> 18 C.F.R. § 35.37(c)(4) (2020); see also *Refinements to Horizontal Mkt. Power Analysis for Sellers in Certain Reg'l Transmission Org. & Indep. Sys. Operator Mkts.*, Order No. 861, 168 FERC ¶ 61,040 (2019), *order on reh'g*, 170 FERC ¶ 61,106 (2020).

<sup>6</sup> We note that PSEG NY is not being granted authority to make third-party sales of operating reserves to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers. If PSEG NY seeks such authority, it must make the required showing and receive Commission authorization prior to making such sales. See *Third-Party Provision of Ancillary Servs.; Accounting and Financial Reporting for New Elec. Storage Technologies*, Order No. 784, 144 FERC ¶ 61,056, at PP 200-202 (2013), *order on*



With respect to vertical market power, you represent that PSEG NY and its affiliates either do not own, operate, or control any transmission facilities; or own, operate, or control transmission facilities that: (a) have a Commission-approved Open Access Transmission Tariff (OATT) on file; (b) are under the operational control of a regional transmission organization or an independent system operator; (c) have received waiver of the OATT requirement under 18 C.F.R. § 35.28(d)(1); or (d) satisfy the requirements for a blanket waiver under 18 C.F.R. § 35.28(d)(2).<sup>7</sup> Further, you affirmatively state that PSEG NY and its affiliates have not erected barriers to entry and will not erect barriers to entry into the relevant market. Based on your representations, PSEG NY satisfies the Commission's requirements for market-based rate authority regarding vertical market power.

### **Waivers, Authorizations, and Reporting Requirements**

PSEG NY's request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. PSEG NY's request for waiver of Part 41 and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.<sup>8</sup> PSEG NY's request for waiver of Part 101 of the Commission's regulations is hereby granted, with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects.<sup>9</sup> Notwithstanding the waiver of the accounting and reporting requirements here, PSEG NY

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*clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

<sup>7</sup> See *Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities*, Order No. 807, 150 FERC ¶ 61,211, *order on reh'g*, Order No. 807-A, 153 FERC ¶ 61,047 (2015).

<sup>8</sup> See Order No. 697, 119 FERC ¶ 61,295 at PP 984-985.

<sup>9</sup> Hydropower licensees are required to comply with the requirements of the Uniform System of Accounts pursuant to 18 C.F.R. Part 101 to the extent necessary to carry out their responsibilities under Part I of the Federal Power Act (FPA). We further note that a licensee's status as a market-based rate seller under Part II of the FPA does not exempt it from its accounting responsibilities as a licensee under Part I of the FPA. See Order No. 816, 153 FERC ¶ 61,065 at PP 345-350; *Seneca Gen., LLC*, 145 FERC ¶ 61,096, at P 23, n.20 (2013) (citing *Trafalgar Power, Inc.*, 87 FERC ¶ 61,207, at 61,798 (1999) (noting that "all licensees are required to comply with the requirements of the Uniform System of Accounts to the extent necessary to carry out their responsibilities under [s]ections 4(b), 10(d) and 14 of the FPA"))).

is expected to keep its accounting records in accordance with generally accepted accounting principles.

PSEG NY requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. PSEG NY is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of PSEG NY, compatible with the public interest, and reasonably necessary or appropriate for such purposes.<sup>10</sup>

PSEG NY must file Electric Quarterly Reports (EQRs) with the Commission, consistent with Order Nos. 2001<sup>11</sup> and 768.<sup>12</sup> PSEG NY must file EQRs electronically with the Commission consistent with the procedures set forth in Order No. 770.<sup>13</sup> PSEG NY further must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.<sup>14</sup>

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<sup>10</sup> See Order No. 697, 119 FERC ¶ 61,295 at PP 999-1000.

<sup>11</sup> *Revised Pub. Util. Filing Requirements*, Order No. 2001, 99 FERC ¶ 61,107, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, 125 FERC ¶ 61,103 (2008).

<sup>12</sup> *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act*, Order No. 768, 140 FERC ¶ 61,232 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013).

<sup>13</sup> See *Revisions to Elec. Quarterly Report Filing Process*, Order No. 770, 141 FERC ¶ 61,120, at P 3 (2012) (citing Order No. 2001, 99 FERC ¶ 61,107 at P 31).

<sup>14</sup> 18 C.F.R. § 35.42 (2020); see also *Reporting Requirement for Changes in Status for Pub. Utils. with Market-Based Rate Auth.*, Order No. 652, 110 FERC ¶ 61,097, *order on reh'g*, Order No. 652-A, 111 FERC ¶ 61,413 (2005).

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant.

This action is taken pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Issued by: Steven T. Wellner, Director, Division of Electric Power Regulation - West

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
GB II New York LLC  
Docket No. ER22-1662-001

Issued: July 15, 2022

Vincenzo Franco  
Rock Creek Energy Group LLP  
1 Thomas Circle, N.W.  
Suite 700  
Washington, D.C. 20005

Reference: Notice of Succession

On April 19, 2022, as amended on May 26, 2022, you filed on behalf of GB II New York LLC a revised market-based rate tariff reflecting the name change of PSEG Power New York LLC to GB II New York LLC and other ministerial changes. GB II New York LLC's revised market-based rate tariff is accepted for filing, effective April 20, 2022, as requested.<sup>1</sup>

Your filings were noticed on April 19, 2022 and May 26, 2022, with comments, protests or interventions due on or before May 10, 2022 and June 16, 2022, respectively. None was filed.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This action is taken pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307. This order constitutes

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<sup>1</sup> GB II New York LLC, Market Based Rate Tariff; [FERC Electric, Market-Based Rate \(2.1.0\)](#).

final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Issued by: Carlos D. Clay, Acting Director, Division of Electric Power Regulation - West