

New York Battery and Energy Storage Technology Consortium

230 Washington Avenue Ext., Suite 101, Albany NY 12203
(518) 694-8474
www.ny-best.org



New York Solar Energy Industries Association

P.O. Box 1523, Long Island City, NY 11101
(518) 288-5250
www.nyseia.org



March 11, 2026

Submitted Electronically

TO: Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, New York 12223-1350

RE: **Case 24-E-0621:** In the Matter of Modifications to the New York State Standardized Interconnection Requirements and Application Process for New Distributed Generators and/or Energy Storage Systems 5 MW or Less Connected In Parallel With Utility Distribution Systems
Case 18-E-0130: In the Matter of Energy Storage Deployment Program
Case 25-E-0764: Proceeding on Motion of the Commission to Address New York City Reliability Needs

Dear Secretary Phillips,

The New York Battery and Energy Storage Technology Consortium (NY-BEST) and the New York Solar Energy Industries Association (NYSEIA) submit the enclosed Motion for Emergency Rulemaking requesting the Commission immediately restrict Consolidated Edison Company of New York, Inc. (Con Edison) from applying its unlawful and arbitrary "Two-Part Test" (defined herein) on distributed energy storage applications within the NYS Standardized Interconnection Requirements (SIR).

We greatly appreciate the Commission's consideration of this Motion. If you have any questions about these comments or need additional information, please contact us at acker@ny-best.org or noah@nyseia.org. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "William Acker".

Dr. William Acker
Executive Director

A handwritten signature in black ink, appearing to read "Noah Ginsburg".

Noah Ginsburg
Executive Director

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

**In the Matter of Modifications to the New York State
Standardized Interconnection Requirements and
Application Process for New Distributed Generators
and/or Energy Storage Systems 5 MW or Less Connected
In Parallel With Utility Distribution Systems**

Case 24-E-0621

In the Matter of Energy Storage Deployment Program

Case 18-E-0130

**Proceeding on Motion of the Commission to Address
New York City Reliability Needs**

Case 25-E-0764

MOTION FOR EMERGENCY RULEMAKING

PRELIMINARY STATEMENT

Pursuant to 16 NYCRR § 3.6, the New York Battery and Energy Storage Technology Consortium (“NY-BEST”) and the New York Solar Energy Industries Association (“NYSEIA,” and collectively with NY-BEST, the “Movants”) file this Motion, in accordance with Section 202(6) of the State Administrative Procedure Act (“SAPA”), for the Public Service Commission (“the Commission” or “the PSC”) to issue an emergency rule immediately restricting Consolidated Edison Company of New York, Inc. (“Con Edison”) from applying its unlawful and arbitrary “Two-Part Test” (defined herein) on distributed energy storage applications within the NYS Standardized Interconnection Requirements (“SIR”). This emergency rule should

remain in effect while the Commission considers NY-BEST's Petition seeking solutions to the ongoing interconnection constraints for distributed battery storage.¹

An immediate pause on Con Edison's Two-Part Test is needed to stop the unnecessary damage it is causing. And, because of the known reliability concerns in Con Edison's territory, this is a matter that impacts the safety of the general welfare and therefore warrants emergency action by the Commission. As specifically detailed herein:

1. The Two-Part Test is causing irreparable harm to the energy storage industry;
2. The Two-Part Test is arbitrary and exacerbates reliability concerns;
3. The Two-Part Test was implemented without legal justification; and
4. Even if there existed a need to change the way storage is studied under the SIR (which none exists), there are much better alternatives than the Two-Part Test.

Although the Commission is presently seeking comments specific to this issue, the comment deadline does not expire until May 4, 2026 and, in the interim, the Two-Part Test continues to cause irreparable harm without legal or factual justification. Under these circumstances, the Commission must take emergency action to pause the Two-Part Test.

DESCRIPTION OF MOVANTS

NY-BEST is a not-for-profit industry trade association that serves as a voice of the energy storage industry for more than 180 member organizations on matters related to advanced batteries and energy storage technologies. NY-BEST's membership includes global

¹ See Case 24-E-0621, *et al.*, *In the Matter of Modifications to the New York State Standardized Interconnection requirements and Application Process for New Distributed Generators and/or Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems*, Energy Storage in Con Ed – Call for Immediate Relief (filed January 13, 2026).

corporations, start-ups, project developers, leading research institutions and universities, and numerous companies involved in the electricity and transportation sectors.

NYSEIA is a non-profit trade association that represents New York’s distributed solar and energy storage industry in legislative and regulatory matters. NYSEIA’s mission is to expand the addressable market for distributed solar and energy storage and to address barriers to deployment on behalf of its 240 member companies that develop, finance, install, own, and operate solar and energy storage systems across New York State.

All communications and correspondence with respect to this Motion should be addressed to the following:

Dr. William P. Acker
Executive Director
NY-BEST
230 Washington Ave Ext., Suite 101
Albany, NY 12203
(518) 694-8474
acker@ny-best.org

Noah Ginsburg
Executive Director
NYSEIA
PO Box 1523
Long Island City, NY 11101
(518) 288-5250
noah@nyseia.org

FACTUAL BACKGROUND

Energy storage directly addresses reliability needs and energy affordability in Con Edison’s territory. Modeling for the New York State Energy Research and Development Authority (“NYSERDA”) Energy Storage Roadmap² and for the Commission’s Coordinated Grid Planning Process (“CGPP”)³ shows a need for at least 2 gigawatts (“GW”) of energy storage in the New York City region (New York Independent System Operator [“NYISO”] Zone

² New York State Department of Public Service (“DPS”) and NYSERDA, *New York’s 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage* (March 15, 2024) (“Energy Storage Roadmap”).

³ See generally Energy Policy Planning Advisory Council Supporting Documents, available at: dps.ny.gov/eppac-supporting-documents.

J). The Energy Storage Roadmap emphasized the critical role of energy storage in New York City:

“As fossil fueled power plants, particularly in downstate New York, reach their end-of-life and move to retire, the NYISO and utilities will require dispatchable capacity to maintain reliability, both in terms of resource adequacy and transmission security. The ability of energy storage to provide these services **makes this one of the highest-value deployment opportunities in New York** and can help accelerate decarbonization in a reliable way.”⁴

Most notably, recent studies published by NYISO and Con Edison indicate that the New York City region will face reliability needs in the near term. Faced with these studies, the Commission has directed that reliability planning in New York City requires Con Edison to “turn over every stone” in order to maximize “all available clean and non-emitting options.”⁵ In issuing that direction, the Commission expressly acknowledged that Battery Energy Storage Systems (“BESS”) are a critical component in addressing this reliability need.⁶

Despite this recognized need for additional energy storage, in the past seven months, Con Edison unilaterally instituted a change in how it studies energy storage interconnection applications under the Coordinated Electric System Interconnection Review (“CESIR”) process. It did this without any stakeholder input or Commission approval, thereby threatening the deployment of critical reliability resources in New York City.

⁴ Energy Storage Roadmap at 56 (emphasis added).

⁵ Case 25-E-0764, *Proceeding on Motion of the Commission to Address New York City Reliability Needs*, Order Initiating Proceeding and Directing Reliability Contingency Plan (issued December 18, 2025) (“NYC Reliability Order”).

⁶ *See id.* at 5, 16.

1. Con Edison's Notifications to BESS Developers

Starting in the late summer of 2025, Con Edison announced significant capacity constraints impacting energy storage interconnections in its service territory, thereby creating substantial market uncertainty.

First, on August 15, 2025, Con Edison notified BESS developers in a one-page letter that seven substations and associated networks were facing capacity constraints due to energy storage projects in the interconnection queue, and that all projects that did not yet have a fully executed interconnection agreement were being placed “on hold effective immediately.”⁷ In the same letter, Con Edison stated that: (1) no new interconnection agreements would be issued for projects in impacted areas until further evaluation was completed; and (2) Con Edison would contact all projects that already had fully executed interconnection agreements to discuss potential impacts.

One month later, on September 16, 2025, Con Edison sent a follow-up email identifying 21 additional substations that “may experience similar constraints in the future.”⁸ Con Edison wrote that it would “be reviewing upstream BESS application impacts in these areas on an ongoing basis and, accordingly, [the developers would] be receiving notices from PowerClerk during the CESIR process.”⁹

Notably, Con Edison did not share any data, analysis, or evidence of the reported constraints. The constraints were not identified in past CESIR studies and could not be replicated using publicly available local data from Con Edison's hosting capacity map and

⁷ Case 24-E-0621, *et al., supra*, Con Edison Notice on SIR Energy Storage (filed January 14, 2026) (“Notice”), Appendix A, Notice to Distributed Energy Resource (DER) Developers: BESS Interconnection Constraints (dated August 15, 2025).

⁸ Notice, Appendix A, Notice of Emerging BESS Areas (dated September 16, 2025).

⁹ *Id.*

interconnection queue at the time. Further compounding this lack of transparency, conversations with Con Edison indicated that the reported constraints were future-looking in nature, and Con Edison maintained that it could not share any supporting information because its forward-looking forecasts are confidential and may only be disclosed subject to strict confidentiality requirements.

2. Con Edison’s Unilateral Development of a Two-Step Conditional Test

In or around October 2025,¹⁰ Con Edison allegedly consulted with its distribution engineering group and adjusted its engineering analysis to evaluate purported upstream impacts from BESS projects. This new engineering process resulted in the utility’s unilateral development of a two-step conditional test (the “Two-Part Test”) for determining the Hosting Capacity at area stations or sub-transmission assets to support BESS charging.

The Two-Part Test works as follows: Con Edison now considers whether a BESS project’s charging operations could do the following: (1) create an area station or sub-transmission peak; and/or (2) exceed area station and sub-transmission reliability capacity thresholds. Con Edison employs a 70 percent area station and sub-transmission feeder reliability and capacity threshold for part two of the test—meaning that projects are not modeled based on current grid conditions (as required by the SIR) and the actual annual network peak but an artificially lower percentage set entirely at Con Edison’s choosing.

Using this Two-Part Test changed the way that Con Edison studies energy storage interconnection applications under the CESIR process, such that nearly 600 megawatts (“MW”) of distributed BESS projects have received CESIR results rendering the projects unviable, often

¹⁰ Notice at 5-6.

due to the inclusion of the pro rata costs for building and operating new substations (at a typical cost of \$1.5 -\$2.5 billion). These costs reflect assumptions of sub-optimal BESS operations that fails to acknowledge the flexibility of these resources; a disservice to ratepayers because energy storage should be helping avoid the need for such expensive upgrades, not triggering them.

3. Con Edison’s January 2026 Filing to the Commission

On January 14, 2026, Con Edison filed a “Notice” with the Commission for BESS projects regulated by the SIR.¹¹ However, Con Edison had previously acknowledged that implementation of the Two-Part Test requires a petition to the Commission. In the September 2025 ITWG meeting, Con Edison made a presentation on “Energy Storage System Constraints in the Con Edison Service Territory” and indicated its intent to seek Commission action via petition. This intent was reiterated in the Joint Utilities of New York Q4 2025 Newsletter, which reported that “[Con Edison] will file a petition with DPS in early December [2025] describing these challenges and elucidating the Company’s methodology for studying BESS projects” (emphasis added).

Instead, Con Edison’s Notice was not a petition to the Commission or any other type of application seeking relief or guidance. It did not offer any solutions for the claimed capacity constraints nor did it seek permission from the Commission to implement the Two-Part Test. Con Edison stated that it was drafting the Notice merely to provide developers with “information on current upstream constraints, how those constraints impact interconnection requests, and related hosting capacity criteria.”¹²

¹¹ *See id.*

¹² *Id.* at 1.

In the Notice, Con Edison claims, without supporting data, that the rapid growth of BESS is creating “upstream capacity constraints in certain areas, including at or upstream of the area substation level.”¹³ Con Edison asserts that “in numerous cases, new overnight peaks would exceed the Company’s reliability thresholds, and therefore additional BESS charging load would require buildout of new utility infrastructure at the area substation or sub-transmission level to increase Hosting Capacity.”¹⁴ Under these circumstances, Con Edison alleges that its “interconnection procedures cautioned that BESS charging should not occur during network peak periods” and “consistent with its engineering procedures,” the Two-Part Test was developed.¹⁵

4. The Scope of Affected Networks and Substations

Con Edison’s Two-Part Test has significantly restricted the viability of new energy storage interconnection applications, and, troublingly, it has retroactively impacted projects that had already received favorable CESIR study results.

As noted above, Con Edison unilaterally changed its CESIR study methodology to limit the available capacity for energy storage at each substation before triggering an infrastructure upgrade. Rather than evaluating new energy storage projects based on whether they cause constraints under current grid conditions, projects will now typically trigger upgrades if overnight BESS charging would contribute to a new peak or a load curve that is greater than 70 percent of the total thermal capacity of the substation during a contingency scenario—*i.e.*, a rare situation where one or multiple transformer banks or major electrical infrastructure are unavailable—impacting the majority of new projects.

¹³ *Id.*

¹⁴ *Id.* at 2.

¹⁵ *Id.* at 5.

For at least 34 projects (totaling 161 MW) that had previously received CESIR results, Con Edison retroactively issued unsolicited re-studies under the new methodology that resulted in an average \$21 million, or 14-fold, increase in upgrade costs per project, mostly relating to construction of new substations. Notably, these \$21 million in increased cost allocations are typically presented as a single project's pro-rata share of a much costlier substation upgrade, which can cost anywhere between \$1.5 billion to \$2.5 billion.¹⁶ No individual BESS can support such a costly distribution upgrade, and even if one could, these ~\$21M upgrades are actually the pro-rata cost allocations of a much larger substation upgrade that will never be completed unless many other projects agree to move forward; a highly unlikely scenario.

The constraints cited in the restudies were not identified in past CESIR studies. Moreover, Con Edison has not provided any engineering rationale behind the constraints reflected in these restudies, has not provided evidence on how many hours per year the alleged constraints would occur, and has not identified any errors warranting reevaluation from the original CESIR studies.

Furthermore, for impacted projects, Con Edison is obscuring the full scope of the problem from the Commission and the public by not disclosing actual upgrade costs in monthly SIR Inventory Reports, as required by the SIR Section II.J.¹⁷ According to its January 2026 SIR Inventory Report, Con Edison has not reported upgrade costs for 139 out of 176 CESIRs

¹⁶ For reference, a typical 5 MW, 4 hour battery (20 MWh capacity) has a cost of \$12-18 million, meaning that the new interconnection costs are more than the entire cost of a project.

¹⁷ New York State Public Service Commission, *New York State Standardized Interconnection Requirements and Application Process For New Distributed Generators and/or Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems*. Effective: August 1, 2025. See <https://dps.ny.gov/system/files/documents/2025/08/nys-standardized-interconnection-requirements-effective-080125.pdf>.

completed since August 2025,¹⁸ hiding the full scope of the harm that the Two-Part Test is causing.

5. NY-BEST’s Petition and the Commission’s Notice Soliciting Comments

Given the urgency of the storage issues pending in New York City, on January 13, 2026, one day before Con Edison submitted its “Notice,” NY-BEST submitted to the Commission its “Call for Immediate Relief,” (hereafter, the “Petition”) wherein NY-BEST emphasized that, since August 2025, Con Edison had engaged in actions that “effectively halt[ed] new energy storage interconnections across 85% of its service territory.”¹⁹ In the Petition, NY-BEST described the immediate harm being caused by Con Edison’s unilateral action and sought the following relief from the Commission: (1) a directive that Con Edison revert to its previous evaluation methodology for new energy storage interconnections, (2) a directive that Con Edison allow new projects to be evaluated using curved charging profiles, and (3) an initiation of a stakeholder process designed to reform and improve Con Edison’s interconnection and market rules. NY-BEST stressed that “[t]hese actions are critical to ensure that New Yorkers can realize the full reliability and cost-savings benefits energy storage can offer.”²⁰

On February 20, 2026, the Commission submitted a Notice Soliciting Comments (“Notice”) in the above-identified dockets in response to NY-BEST’s Petition.²¹ Critically, in its

¹⁸ Matter No. 13-00205, *In the Matter of SIR Inventory*, Con Edison January 2026 SIR Report (filed March 5, 2026) (“January 2026 SIR Inventory Report”).

¹⁹ Case 24-E-0621, *et al.*, *supra* Energy Storage in Con Ed – Call for Immediate Relief (filed January 13, 2026) (“NY-BEST Petition”) at 1; *see also* Case 24-E-0621, *et al.*, *supra*, Energy Storage in Con Ed – Whitepaper (filed January 13, 2026).

²⁰ *Id.* at 4.

²¹ Case 24-E-0621, *et al.*, *supra*, Notice Soliciting Comments on NY-BEST Petition (filed February 20, 2026).

Notice, the Commission did not issue a directive that Con Edison should revert to its previous evaluation methodology during the pendency of the comment period. Unfortunately, this means that Con Edison is still employing the unlawful Two-Part Test during the pendency of this notice period, to the detriment of the New York City service territory, the energy storage industry, and BESS project developers individually.

LEGAL AUTHORITY

PSL §§ 5, 65, and 66 provide the Commission with broad authority over the manufacture, conveyance, sale, or distribution of electricity, supervision of electric corporations, and the responsibility to ensure that all service, instrumentalities, and facilities furnished shall be safe and adequate and all charges made by such corporations for any service rendered shall be just and reasonable.²²

Multiple other provisions of the PSL authorize the Commission to adopt rules and regulations addressing the treatment of distributed energy resources (“DERs”) by electric corporations.²³ Through its broad authority, in 1999 the Commission adopted SIRs to facilitate the interconnection of DERs to the utilities’ electric distribution systems.²⁴ The Commission

²² In addition to the PSL, the New York State Energy Law §6-104(5)(b) requires that “[a]ny energy related action or decision of a state agency, board, commission or authority shall be reasonably consistent with the forecasts and the policies and long-range energy planning objectives and strategies contained in the plan, including its most recent update.”

²³ See PSL §§5(2), 66(1), 66(30), 66-c, 66-j, and 74.

²⁴ Case 94-E-0952, *In the Matter of Competitive Opportunities Regarding Electric Service*, Opinion And Order Adopting SIRs For Distributed Generation Units (issued December 31, 1999).

also established an Interconnection Policy Working Group (“IPWG”) and Interconnection Technical Working Group (“ITWG”), which periodically propose amendments to the SIRs.²⁵

SAPA § 202(6) allows the Commission to immediately adopt emergency rules that are “necessary for the preservation of the public health, safety or general welfare.” Emergency rules are appropriate in situations such as this one, where “evidence or studies” reflect “changed circumstances” constituting an emergency that is harmful to the public safety and welfare.²⁶

The Commission recently stated that “[e]lectric service is essential to public health, welfare, and safety, and the cornerstone of the economic system that sustains the wellbeing of millions of New Yorkers.”²⁷ As explained below, in order to ensure system reliability and prevent permanent harm to the development of battery storage in New York, NY-BEST and NYSEIA move the Commission under 16 NYCRR § 3.6 to issue an emergency rule prohibiting the implementation of the Two-Part Test during the pendency of the Commission’s consideration of the issues in the NY-BEST Petition. Such immediate action is needed to meet the Commission’s express instruction to “turn over every stone” to address future reliability issues facing the New York City region.

²⁵ Case 15-E-0557, *In the Matter of Proposed Amendments to the SIRs*, Order Modifying Standardized Interconnection Requirements (issued March 18, 2016).

²⁶ *Cf. N. Fork Distrib., Inc. v. NY State Cannabis Control Bd.*, 81 Misc 3d 952, 960 (Sup. Ct., Albany County 2023); *see Matter of J-P Group, LLC v. NY State Dept of Economic Deve.*, 91 AD3d 1363, 1367 (4th Dept 2012).

²⁷ NYC Reliability Order at 1.

ARGUMENT

1. Con Edison’s Two-Part Test is Causing Immediate, Irreparable Harm

Con Edison’s unilateral implementation of the Two-Part Test is causing irreparable harm to the energy storage industry generally and to BESS project developers individually. As the Commission recently stated, studies published by NYISO and Con Edison indicate that the New York City region (NYISO Zone J) will face reliability needs in the near term.²⁸ The NYISO and Con Edison studies point to several factors that contribute to the advancing problem, namely increasing overall demand for electricity, anticipated retirements of existing generation resources, and difficulties in developing new generation supplies. The Commission has expressly acknowledged that BESS is a critical component in addressing this reliability need.²⁹

Unfortunately, Con Edison’s unilateral implementation of the Two-Part Test is irreparably harming BESS development and developers. According to a recent NY-BEST survey of the seven leading developers of distributed-scale BESS in New York City, implementation of Con Edison’s Two-Part Test has resulted in:

- 25 projects already cancelled (totaling 153 MW); and
- 91 projects at risk of cancellation in the near future (totaling 446 MW).³⁰

These cancelled and at-risk projects include 34 restudied projects that had previously received economically viable CESIR results under the original methodology prior to August 2025, and then received reissued CESIRs with the Two-Part Test retroactively applied. The CESIR restudies resulted in an average increase of over \$21 million per project, or an average 14-fold

²⁸ *Id.* at 1-2.

²⁹ *Id.* at 5, 16 (“[T]he Commission seeks a comprehensive portfolio of solutions that prioritizes and leverages all available clean and non-emitting options, including, but not limited to . . . energy storage”).

³⁰ New York Battery and Energy Storage Technology Consortium (NY-BEST), *Survey of Seven Active Clean Energy Developers in New York City*, February 20, 2026.

increase in interconnection costs, mostly due to triggering construction of new substation upgrades that would not otherwise have been triggered, as the Two-Part Test results in a lower threshold for triggering upstream substations than the previous methodology.³¹ This staggering increase in interconnection costs would increase the cost of a typical project by 120-150%. The end result: nearly 600 MW of projects submitted for interconnection requests over the past seven months are unviable.

Con Edison's chosen solution has effectively stalled new BESS interconnection requests, demonstrating a lack of prioritization of system reliability, affordability, and clean energy goals. Given that the Two-Part Test threatens the current and future development of BESS in the Con Edison service territory—development which is a critical component to addressing reliability needs—the Commission should act immediately to direct Con Edison to stop its implementation of the Two-Part Test as it is contrary to the public welfare.

Moreover, Con Edison is obscuring the full scope of the problem from the Commission and the public. Per Con Edison's January 2026 SIR Inventory Report, Con Edison has not reported upgrade costs for 139 out of 176 CESIRs completed since August 2025. In January 2026, Con Edison reported completing 35 CESIRs for BESS projects greater than 500 kWac, and Con Edison only included estimated upgrade costs for two of these projects in the January 2026 SIR Inventory Report. All other projects were reported as having "\$0.00" in estimated upgrade costs. This lack of public disclosure, which not only violates Con Edison's reporting obligations, hides the full scope of the harm that the Two-Part Test is causing.

³¹ Movants emphasize that these per project costs are pro rata allocations of much costlier substation upgrades that typically cost billions of dollars, meaning final per project numbers will be higher if any impacted projects drop out of the queue; each impacted project is dependent on all other impacted projects agreeing to move forward with its own pro rata cost allocation or else the project can be re-allocated additional pro rata costs.

Lastly, as noted above, the Two-Part Test currently threatens nearly 600 MW of new, distributed BESS project development. These projects represent approximately \$1.5 billion in new, private investment into the power grid in New York City, which New York State is at risk of losing because of Con Edison's unilateral decision to implement the arbitrary Two-Part Test. Absent an immediate pause, Con Edison's Two-Part Test will continue to cause ongoing and irreparable harm for New York State, generally, and BESS project development, specifically.

2. The Arbitrary Two-Part Test is Not Addressing any Current Reliability Need

Con Edison has not provided evidence that its Two-Part Test is addressing any reliability need based on current grid conditions. This fundamentally undercuts Con Edison's rationale for implementing the Test. In fact, by stymying and delaying BESS project development, the Two-Part Test is exacerbating the future identified reliability concerns that distributed BESS projects are well-positioned to address. As such, Con Edison will not be prejudiced by an immediate pause to application of its Two-Part Test.

In the Notice, Con Edison claims that (1) the rapid growth of BESS is creating "upstream capacity constraints" in certain areas; (2) "in numerous cases, new overnight peaks would exceed the Company's reliability thresholds" and therefore require buildout of new utility infrastructure; and; (3) Con Edison's "interconnection procedures cautioned that BESS charging should not occur during network peak periods" and, as such, "consistent with" the Company's "engineering procedures" the Two-Part Test was developed.³² As explained below, these claims lack support.

A. Con Edison Does Not Provide Evidence to Support its Reliability Concerns

³² Notice at 1-2, 5.

Con Edison fails to cite any “interconnection procedures” requiring the Two-Part Test or how the methodology complies with these undefined unknown procedures. Significantly, in some cases, Con Edison falsely attributes network constraints to BESS projects that do not exist. For example, there are five networks and their associated substations (Cooper Square, Yorkville, Chelsea, Lenox Hill, and Central Park) that have no BESS projects in Con Edison’s interconnection queue, yet the Company claims constraints are the result of a high volume of energy storage project applications.

B. The Proposed 70 Percent Threshold is Discriminatory and Arbitrary

In the Two-Part Test, Con Edison arbitrarily employs a 70 percent area station and sub-transmission feeder reliability and capacity threshold to test whether a BESS’s charging operations will exceed reliability thresholds. In essence, Con Edison is withholding 30 percent of the available BESS charging capacity; a practice that lacks a clear justification.

This restriction is not applied to any other non-BESS interconnecting load. Public Service Law § 65(3) prohibits electric utilities like Con Edison from subjecting BESS applicants to “any undue or unreasonable prejudice or disadvantage in any respect whatsoever.” By applying the 70 percent threshold to distributed BESS applications, but not to any other non-BESS interconnecting load, Con Edison is subjecting BESS applicants to “undue or unreasonable prejudice,” which is evidenced by the revised CESIR studies that are triggering billions of dollars in new substation upgrades. Con Edison has offered no evidence for why this discriminatory treatment towards BESS projects is lawful or reasonable.

Furthermore, the 70 percent threshold is already exceeded by Con Edison in many of its substations and networks, undermining the idea that the 70 percent threshold is warranted to maintain system reliability. Recent analysis by Movants of publicly available data indicates that

peak load already breaches the 70 percent threshold at no less than 35 substations and 53 networks within the Con Edison service territory.³³ Further, analysis indicates that the actual peak currently exceeds 85 percent at 11 Con Edison substations. Accordingly, Con Edison has failed to demonstrate both the basis for and reasonableness of the 70 percent threshold. Instead, the Two-Part Test results in a real-time discriminatory treatment between load types.

C. Con Edison Understates Available Hosting Capacity

Con Edison's proposed Two-Part Test is arbitrary and, to a great extent, based on methodology that contains systematic gaps and inconsistencies. The end result is a test that understates available hosting capacity for distributed energy storage in Con Edison's territory. Based on technical analysis performed by Movants using publicly-available data, attached to this Motion as **Appendix A**, Con Edison has systematically understated hosting capacity, with **38 of 63 area substations** showing more available BESS capacity than Con Edison reports in its Notice. The results are particularly striking in Manhattan, which shows over 2,000 MW of available substation capacity across 26 substations, whereas Con Edison is reporting available capacity between 675-1,500 MW.

As one example of the Test's shortcomings, the Two-Part Test assumes that all BESS projects will charge an uncontrolled, static charging rate from 12:00 am – 8:00 am on the network area's Design Day (defined as the day that includes the hour with local noncoincident integrated peak MW load). However, in the Notice, Con Edison also integrated the BESS load from 11:00 pm – 12:00 am within the constraints analysis.³⁴ As a result, Con Edison has

³³ Con Edison, *Hosting Capacity Map Network Level Load Curves*. March 2026. See <https://experience.arcgis.com/experience/d9d758c7736b44909dc3781937ca2ed5/page/Introduction>. The data includes substation capabilities, network peak MWs, and the networks associated with each substation.

³⁴ See Notice, Appendix 2.

effectively applied a nine-hour period for setting charging limitations (*i.e.*, to determine the peak hour of the off-peak period) but an eight-hour window for charging load. For 36 of 62 area substations (58 percent of substations with available data), the 11:00 pm – 12:00 am period has the maximum load during the 11:00 pm – 8:00 am period. The result is an artificial reduction to the hosting capacity at the impacted substations, with analysis of data available on hosting capacity maps indicating more available hosting capacity than indicated by Con Edison across 60 percent of networks.³⁵

Moreover, although the Two-Part Test narrowly applies a 12:00 am – 8:00 am charging window across all substations and networks, Con Edison’s actual interconnection studies do not adhere to this rule. In practice, each BESS interconnection study is provided with a unique charging window based on local feeder load shapes. Additionally, Con Edison’s off-peak period window is defined as a ten-hour period 10:00 pm – 8:00 am across all service classifications. Moreover, Con Edison has proposed locationally-variant twelve-hour off-peak windows³⁶ (either 11:00 pm – 11:00 am or 8:00 pm – 8:00 am based on network area load shape). Further, time-varying project-specific charging rates (*e.g.*, lower rates at “edge” hours 11:00 pm - 12:00 pm and 7:00 am - 8:00 am and higher rates at other hours) are straightforward to set and apply and are common practice across the utility industry. The methodology used for the Two-Part Test incorrectly underestimates hosting capacity due to flawed charging assumptions that do not align with the SIR.

³⁵ See **Appendix A** for details.

³⁶ Rider Q filing, October 18, 2024, based Roadmap 2.0 Order in Case 18-E-0130. This proposal was filed in compliance with the Commission’s June 20, 2024 Order Establishing Updated Storage Goal and Deployment Policy.

Ultimately, Con Edison has not created a “solution” to a real problem. Rather, it has devised a current problem and then framed its unilateral decision-making as a “solution.” Such conduct, without Commission approval, cannot be sanctioned.

3. The Two-Part Test Was Implemented Without Legal Justification

Con Edison’s unilateral imposition of the Two-Part Test must be stopped because it is inconsistent with the law, Commission precedent, and principles of equity. New York courts have held that “procedural due process in the context of an agency determination [means] that the PSC must provide an opportunity to be heard in a meaningful manner and at a meaningful time.”³⁷ Contrary to this principle, Con Edison’s unilateral action (1) prevents stakeholders any meaningful opportunity to review and comment on the Two-Part Test and (2) usurps the Commission’s authority to modify the SIRs and its Orders implementing the same. Such unilateral action is inappropriate, unlawful, and counter to the Commission’s goals for BESS in New York. As such, the Commission should immediately direct Con Edison to stop applying the Two-Part Test.

A. The Two-Part Test Violates the SIR

In its Notice, Con Edison claims that its Two-Part Test is a “refined engineering analysis” permitted by the Commission because the utility is using its “engineering judgment.”³⁸ This

³⁷ *Nat’l Energy Marketers Ass’n v. New York State Pub. Serv. Comm’n*, 53 Misc. 3d 641, 651 (N.Y. Sup. Ct. 2016), *aff’d*, 152 A.D.3d 1122 (2017), *aff’d as modified*, 126 N.E.3d 1041 (2019), and *aff’d sub nom. Retail Energy Supply Ass’n v. Pub. Serv. Comm’n of State*, 152 A.D.3d 1133 (2017), and *aff’d as modified*, 126 N.E.3d 1041 (2019) (citing *Matter of Kaur v. New York State Urban Dev. Corp.*, 933 N.E.2d 721 (2010)). A regulatory act that “amounts to formal rulemaking but does not comply with the procedural requirements of [SAPA] . . . must be annulled.” *Matter of Entergy Nuclear Indian Point 2, LLC v. N.Y. State Dept. of State*, 130 A.D.3d 1190, 1195 (2015).

³⁸ Notice at 6.

statement is erroneous. As set forth below, Con Edison's unilateral attempt to impose its Two-Part Test violates the SIR amendment process established by the Commission.

In an attempt to justify its creation of the Two-Part Test, Con Edison relies on a single footnote from the Commission's "Order Directing Interim Modifications to the New York State Standardized Interconnection Requirements," issued five years ago in March 2021, in Case 20-E-0543.³⁹ The footnote states:

"Qualifying Upgrades shall be limited to those which result in an increase to the hosting capacity of the Utility's distribution system beyond that required to interconnect the Triggering Project . . . Utilities may make this determination on the basis of completed [CESIRs], or through their engineering judgment when considering the pending applications."⁴⁰

Again, Con Edison relies on the reference to "engineering judgment" in this footnote as the sole legal support for its unilateral decision to materially change the way it studies distributed BESS projects.

Contrary to Con Edison's claim, rather than conferring utilities with broad unchecked power to independently and materially modify the SIRs at any time, the footnote is exclusively related to an explicit Commission directive requiring utilities to identify substations at which "Qualifying Upgrades" were expected based on projects in the interconnection queue in March 2021 within 30 days of the March 2021 Order.⁴¹ Accordingly, the footnote is limited in

³⁹ Case 20-E-0543, *et al.*, *Petition of Interconnection Policy Working Group Seeking a Cost-Sharing Amendment to the New York State Standardized Interconnection Requirements*, Order Directing Interim Modifications to the New York State Standardized Interconnection Requirements (issued March 18, 2021) ("March 2021 Order") at 11, fn. 15.

⁴⁰ *Id.*

⁴¹ *Id.* at 10-11.

scope to an initial identification requirement from five years ago and does not support Con Edison's expansive implementation of the Two-Part Test now.⁴²

Con Edison's Two-Part Test constitutes a new, formulaic standard designed to be applied uniformly to all distributed BESS interconnection proposals across the utility's service territory, which will alter the methodology that evaluates all prospective SIR interconnection applications. Because the Two-Part Test modifies the manner in which the SIR is applied, consistent with Commission precedent, the new methodology prior to implementation must be reviewed by the applicable working groups, subject to meaningful stakeholder input, and then submitted to the Commission for approval or rejection.

The Commission established the IPWG and ITWG for the express purpose of periodically proposing amendments to the SIRs.⁴³ Indeed, the Commission has held that “[a]dditional changes and modifications to the overall interconnection process will follow through additional efforts, such as the [ITWG].”⁴⁴ In practice, since the March 2016 Order, the Commission has directed Staff to work with the IPWG, ITWG, and other interested stakeholders to determine whether modifications to the SIRs should be made.⁴⁵ Accordingly, at minimum, because the proposed Two-Part Test will change how all prospective distributed BESS

⁴² Of note, upon information and belief, no other utility has implemented a similar test or otherwise exercised “engineering judgment” to fundamentally modify how projects are studied to determine whether system upgrades are required.

⁴³ See Case 15-E-0557, *In the Matter of Proposed Amendments to the New York State Standardized Interconnection Requirements for Distributed Generators 2 MW or Less*, Order Modifying Standardized Interconnection Requirements (issued March 18, 2016) (“March 2016 Order”).

⁴⁴ *Id.* at 3.

⁴⁵ See e.g., Case 23-E-0730, *Petition of Niagara Mohawk Power Corporation d/b/a National Grid for a Declaratory Ruling and Certain Limited Relief Regarding Standardized Interconnection Requirements and Application Process for New Distributed Generators and/or Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems*, Order Denying Petition and Making Findings (issued July 23, 2024).

interconnection applications in Con Edison’s service territory are evaluated under the SIR, (1) an emergency rule immediately pausing the test should first be implemented and then (2) the proposed methodology should proceed through the working group process before Con Edison submits a formal petition to the Commission seeking approval for the proposed modification.⁴⁶

Adhering to the formal process the Commission envisioned in the March 2016 Order is essential to evaluating both the technical validity and regulatory implications of Con Edison’s proposed methodology. This process allows for the Commission and stakeholders to scrutinize the integrity and completeness of input datasets, examine modeling assumptions, compare alternative methodologies, and assess consistency with established distribution planning and interconnection practices. Con Edison’s Notice was not an appropriate stand-in for this process and, absent such review, it is not possible to determine whether the Two-Part Test is sound, transparent, or even aligned with long-standing Commission policy.

B. Con Edison’s Unilateral Implementation of the Two-Part Test is an Unauthorized Tariff Change

Pursuant to PSL §§5, 65(1), 66(1), and 66(12)(b), the Commission has the legal authority to review proposed tariff changes, as well as to modify, reject, or approve such filed tariffs, and to ensure that the rates and services governed by those tariffs are just and reasonable and otherwise consistent with legal requirements. Specifically, PSL § 66(12)(b) states that:

“No change shall be made in any rate or charge, or in any form of contract or agreement or any rule or regulation relating to any rate,

⁴⁶ Con Edison previously acknowledged that implementation of the Two-Part Test requires a petition to the Commission. In the September 2025 ITWG meeting, Con Edison made a presentation on “Energy Storage System Constraints in the Con Edison Service Territory” and indicated its intent to seek Commission action via petition. This intent was reiterated in the Joint Utilities of New York Q4 2025 Newsletter, which reported that “[Con Edison] will file a petition with DPS in early December [2025] describing these challenges and elucidating the Company’s methodology for studying BESS projects” (emphasis added).

charge or service, or in any general privilege or facility, which shall have been filed by a utility in compliance with an order of the commission, except after thirty days' notice to the commission and to each county, city, town and village served by such utility which had filed with such utility. . .”

The SIR is included in Con Edison’s PSC No. 10 – Electricity Tariff as Addendum – SIR and referenced in several locations throughout the tariff (*e.g.*, Section 8.4 – Interconnection and Operation – Customer Use of Generating Equipment and Rider R - Net Metering and Value Stack Tariff for Customer-Generators). Because the SIR is part of the Con Edison tariff, any changes to the SIR must be filed with and approved by the Commission after required notice.⁴⁷ Accordingly, because Con Edison’s proposed Two-Part Test will fundamentally alter the evaluation of SIR interconnection applications under its tariff, Con Edison should be directed to immediately pause its application of the Two-Part Test because, at a minimum, it should be subject to public comment *prior to* implementation.

4. Even if The Alleged Overnight Charging Constraint Were Real, There Are Better Alternatives Than Con Edison’s Two-Part Test

As stated above, no current reliability concerns exist that support Con Edison’s unilateral utilization of the Two-Part Test, which was done without Commission approval. Yet, even if a concern did exist, there are plainly better alternative actions the utility could have taken. Therefore, not only should the Commission direct Con Edison to stop applying the Two-Part Test during the pendency of the comment period on NY-BEST’s Petition, it should direct Con Edison

⁴⁷ On its website, Con Edison acknowledges that any changes to tariffs must be filed with and approved by the Commission. *See* <https://www.coned.com/en/accounts-billing/your-bill/your-guide-to-rates>. In acknowledgement that the SIR is part of its Tariff, Con Edison has routinely filed Tariff changes with the Commission to reflect changes to the SIRs. *See* Case 24-E-0621, *supra*, Tariff Amendments dated Feb. 4, 2026.

to consider proven, cost-effective alternatives to traditional substation upgrades in order to address the apparent overnight charging constraints referenced in Con Edison's Notice.

Also, Con Edison can adjust BESS charging schedules at affected substations. The SIR already provides this flexibility to recognize the unique nature of BESS operation, namely that charging and discharging can be adjusted if necessary. If a problem truly existed, Con Edison failed to offer any explanation for why it did not first consider changes to charging schedules as a potential solution.

In addition to adjusting BESS charging schedules and modifying its current practice of limiting BESS charging to 70 percent of available hosting capacity, Con Edison can significantly expand its available BESS hosting capacity by embracing direct transfer trip ("DTT") or other tripping solutions to prevent BESS charging during contingency scenarios. Con Edison's electric transmission and distribution system is designed to a combination of single contingency (N-1) and double contingency (N-1-1) standards, with double contingency generally applied to the underground network portion of the system and the less stringent single contingency applied to the radial above ground system.⁴⁸ In accordance with its contingency design standards, Con Edison is currently limiting BESS deployment based upon the utility's ability to support overnight BESS charging in contingency scenarios, *i.e.*, rare situations where either one or two pieces of significant electrical infrastructure serving the BESS are out of service. Con Edison's contingency design standards ensure the utility can reliably serve loads; however, the standards

⁴⁸ Con Edison, Distribution Engineering Department System Design Section. EO-2115, Revision 11. Handbook of General Requirements For Electrical Service To Distributed Energy Resource (DER) Customers. December 1, 2022.

do not consider the fact that BESS charging can be materially more flexible than many other electric loads, making the standards a cost-driver with little or no benefit for impacted BESS.⁴⁹

Rather than prohibiting additional BESS or requiring cost-prohibitive substation upgrades, Con Edison can instead automatically trip a BESS offline in a contingency scenario utilizing the SCADA and protections equipment that distributed BESS projects routinely pay for as part of interconnection to the Con Edison distribution system, or through enhanced tripping technologies. This application of DTT is not a novel concept, and it is already being used to successfully manage N-1 contingency scenarios and support safe, cost-effective 1-5 MW DER interconnection in other parts of New York State. This practice has been in use in Central Hudson territory since at least 2020,⁵⁰ and in February 2026, National Grid also began allowing tripping technology to manage contingency scenarios at ~150 substations with an N-1 transformer-bank configuration,⁵¹ increasing DER hosting capacity and more efficiently utilizing existing utility infrastructure while avoiding cost-prohibitive distribution upgrades. Tripping solutions are a simple and readily-available tool to address overnight charging constraints in the near-term, and could be a precursor to a more sophisticated flexible interconnection and operational scheme that enables varied response based on multiple factors and real-time grid conditions.

⁴⁹ Additionally, most BESS projects serving the underground network are designed below the local contingency standard (e.g., N-1 interconnections in N-1-1 / N-2 areas).

⁵⁰ Sensus. Central Hudson Expands Distributed Energy Resource Capabilities with Sensus. <https://www.businesswire.com/news/home/20200707005151/en/Central-Hudson-Expands-Distributed-Energy-Resource-Capabilities-with-Sensus>. July 7, 2020.

⁵¹ Viscariello, Gabe. National Grid NY Preparations For N-1 Solutions. <https://dps.ny.gov/system/files/documents/2026/01/ju-n-1-dtt-communications-national-grid-january-2026.pdf>. Presented at the Interconnection Technical Working Group on January 21, 2026.

In sum, even if distributed BESS projects were creating a reliability issue, as Con Edison claims, Con Edison plainly has better alternatives to the Two-Part Test to address this issue. This further supports Movants' call to immediately pause application of this Test.

CONCLUSION

For the foregoing reasons, the Commission should issue an emergency rule in the above-identified dockets that would immediately restrict Con Edison from applying its unlawful and arbitrary "Two-Part Test" on distributed energy storage applications within the SIR, and direct Con Edison to consider less restrictive interconnection options. This emergency rule should remain in effect while the Commission considers NY-BEST's Petition seeking solutions to the ongoing interconnection constraints for distributed battery storage.

Respectfully submitted,

Dr. William P. Acker

Dr. William P. Acker
Executive Director
NY-BEST
230 Washington Ave Ext., Suite 101
Albany, NY 12203
(518) 694-8474
acker@ny-best.org

Noah Ginsburg

Noah Ginsburg
Executive Director
NYSEIA
PO Box 1523
Long Island City, NY 11101
(518) 288-5250
noah@nyseia.org

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Appendix A to Motion for Emergency Rulemaking:

BACKGROUND AND REFORMULATION OF CON EDISON’S

“TWO-PART TEST”

In the Notice, Con Edison describes a substantially modified and “refined” methodology for assessing future and a subset of retroactive interconnection requests for proposed battery energy storage system (“BESS”) facilities as processed under the regulated New York State Standardized Interconnection Requirements (“SIR”)¹ practice. The refined method includes a newly formulated “two-step conditional test” (“Test”) to be applied for BESS interconnection requests². The Test is designed to determine if there is a need³ for “upstream upgrades” at the area substation or sub-transmission level.

Con Edison’s new Test methodology considers four input parameters per substation (applied at both the area distribution level and sub-transmission level⁴) to calculate a “BESS Hosting Capacity” for each substation area⁵ (an area substation serves either one or two network area[s] and a transmission substation serves one or multiple area substation[s]⁶). The input parameters (in megawatts) are:

¹ This encompasses interconnection applications for behind-the-meter (“BTM”) and front-of-the-meter (“FTM”) stand-alone BESS projects or Hybrid Facilities that comprise BESS components with a rated discharge/grid injection capacity of 5,000 kWac or less. Given that the new methodology was designed to impose new charging limitations, in practice, the Notice should not apply to Hybrid Facilities that do not charge from the grid.

² As further described below, the new Test has been retroactively applied for interconnection applications since approximately [March] 2025, prior to the January 2026 Notice, for CESIR reviews that begin prior the August 15, 2025 “Notice to Distributed Energy Resource (DER) Developers: BESS Interconnection Constraints.”

³ The Test results are binary: (1) a need or (2) no need for upgrade upgrades. It does not provide the scale, scope, cost, or timescale of identified upgrades. The Notice does not provide a methodology for calculating the latter data.

⁴ As further described below, no transparent dataset about sub-transmission inputs have been provided, and the resultant BESS Hosting Capacities cannot be independently verified. In particular, all 81 network-level load curves provided by Con Edison are noted that the area substation “capability may be constrained by upstream supply conditions.”

⁵ BESS Hosting Capacity, in principle, changes downward or upward each time a new interconnection application enters the CESIR review period (Step 5 of the SIR process) or is withdrawn.

⁶ Con Edison currently has 63 area distribution substations serving 85 network areas (including the new Morgan network in Manhattan served by the Astor substation) within its service territory spanning New York City (excluding the Rockaway Peninsula) and Westchester County (excluding some parts of Northern Westchester). The area substations are supplied by 40 transmission substations.

1. C = Substation capability⁷
2. L_{peak} = Substation annual hourly peak load⁸ during Summer Period 2025⁹
3. L_{offpeak} = Substation annual hourly maximum offpeak load¹⁰ during Summer Period 2025
4. Q = Aggregate capacity of BESS projects with executed interconnection agreements¹¹ for the substation excluding operational BESS projects for Summer Period 2025

From these four input parameters, Con Edison has published an “Estimated Available Capacity by Area Substation” under the following mathematical procedure:

$$\text{Maximum offpeak load}^{12} \text{ (MW)} = L_{\text{max}} = \max(70\% \times C, L_{\text{peak}})$$

$$\text{Available BESS charging rate (MW)} = R = L_{\text{max}} - L_{\text{offpeak}}$$

$$\text{Available BESS charging energy (MWh)} = E_{\text{charge}} = 8 \text{ hours} \times R$$

$$\text{BESS roundtrip efficiency (\%)} = RTE = 90.0\%$$

$$\text{Available BESS discharging energy (MWh)} = E_{\text{discharge}} = RTE \times E_{\text{charge}}$$

$$\text{Total BESS Hosting Capacity (MW)} = B_{\text{total}} = E_{\text{discharge}} / 4 \text{ hours}$$

$$\text{Estimated Available BESS Hosting Capacity (MW)} = B_{\text{available}} = B_{\text{total}} - Q$$

⁷ As described below, “capability” is an undefined term, and it is unclear if it is provided at the local reliability standard or under another contingency design.

⁸ Load curves for the 24-hour “Design Day” are provided as a “Peak MW” for each distribution network area, and are publicly available for download on Con Edison’s Hosting Capacity Web Application. Note that for nine network areas that serve both network and radial/non-network feeders, the non-network load is excluded from the available peak and offpeak load data, making independent verification impossible for the following substations: Plymouth Street (serving Borough Hall network); Bensonhurst No. 2 (serving Flatbush and Brighton Beach networks); Bensonhurst No. 1 (serving Ocean Parkway and Sheepshead Bay networks); Greenwood (serving Bay Ridge and Park Slope networks); Brownsville No. 2 (serving Richmond Hill network); East 75th Street (serving Lenox Hill network) (this note is likely made in error, as there are no non-network areas in Manhattan); and Parkchester No. 2 (serving Northeast Bronx network area). Further note that the Mott Haven substation (serving Central Bronx network area) serves both network and non-network areas, and it is uncertain if the Peak MW data includes or excludes the non-network load.

⁹ The East 36th Street substation (serving Greeley Square and Kips Bay networks) is listed as using 2024 Peak MW data, rather than 2025, and it is uncertain if this is a scrivener’s error or a different method for that substation area.

¹⁰ Con Edison appears to select the maximum offpeak load on the Design Day as the Peak MW during the nine Hours Ending (HE) 1, 2, 3, 4, 5, 6, 7, 8, and 24. However, Con Edison appears to globally apply an eight-hour charging window for analysis, so the inclusion of HE24 (11pm-12am) to select maximum offpeak load appears erroneous. As described below, Con Edison maintains a 10-hour offpeak period (10pm-8am) and has established 12-hour locationally-variant offpeak windows (8pm-8am or 11pm-11am).

¹¹ Interconnection request data are publicly reported monthly in their SIR Inventory filing under Case 13-00205 and can be filtered by substation and status (e.g., withdrawn applications, under active review, or completed). To identify projects with executed interconnection agreements, payment of a 25% interconnection upgrade deposit is used as a proxy. In principle, Q should exclude completed BESS projects whose charging/load and discharge/injections are already incorporated in the peak/offpeak load data but this distinction is not explicit.

¹² In this formula, taking the *maximum* of 70% of the substation capability (C) and peak (L_{peak}) is the “two-step” facet of the two-step conditional Test.

These formulae are algebraically rearranged with only the four input parameters as:

$$B_{\text{available}} = 1.8 \times [\max(70\% \times C, L_{\text{peak}}) - L_{\text{offpeak}}] - Q$$

If $B_{\text{available}}$ is greater than the rated discharge capacity for a new BESS interconnection request¹³, the request's Coordinated Electric System Interconnection Review ("CESIR") will report no upstream upgrade needs. If $B_{\text{available}}$ is less than the rated discharge capacity, the CESIR will report upstream upgrade needs, which is typically the need to construct a new 250-360-megawatt area substation with a capital cost of \$1,500,000,000 to \$2,500,000,000, a construction timeline of 10 or more years, and regulatory, permitting, and zoning approvals. The CESIR is returned to the proposer with its *pro rata* share of the area substation capital cost. For example, for 5-MW BESS requests, the range is 2% of a \$1.5 billion 250-MW area substation (\$30 million) to 1.4% of a \$2.5-billion 360-MW area substation (\$35 million).

Based on this methodology, Con Edison has published a table and a map of the Estimated Available BESS Capacity by Substation Area in four tranches¹⁴: 0-25 MW (20 substations), 25-50 MW (25 substations), 50-100 MW (16 substations), and >100 MW (1 substation).

In summary, Con Edison's Estimated Available BESS Hosting Capacity methodology operates as a formulaic and deterministic Test with general applicability, intended to uniformly evaluate all BESS interconnection applications across all substation and networks areas across the utility's service territory.

The methodology predetermines a binary outcome of whether upstream upgrades are required, independent of any case-by-case circumstances.

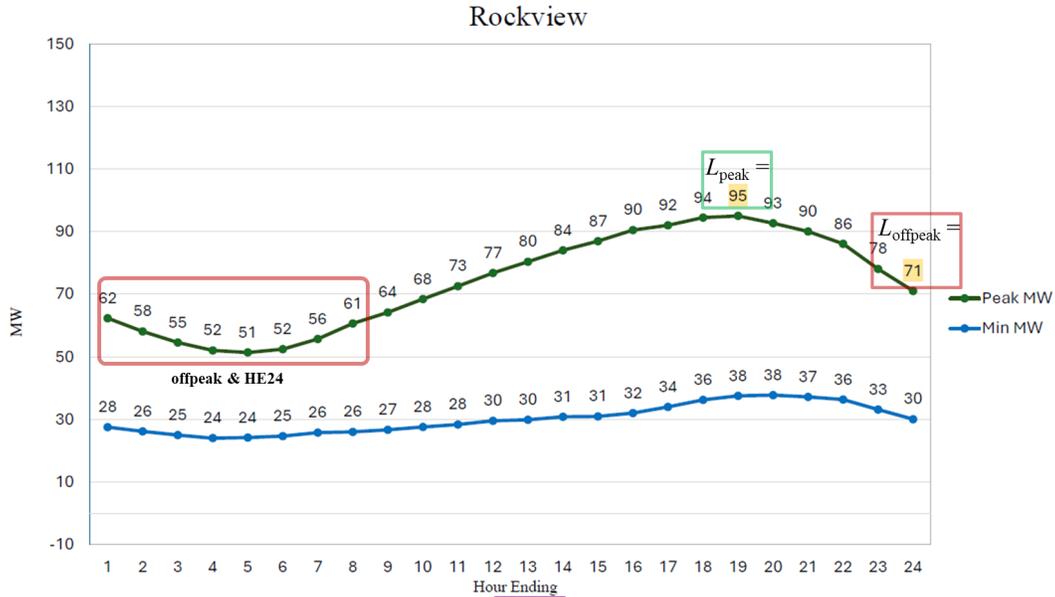
¹³ Con Edison is applying this formula at both the area substation and the sub-transmission substation levels, and using the minimum $B_{\text{available}}$ of the two. However, no public data has been provided about the sub-transmission capacities nor the topology of which area substations are served by which sub-transmission substations. So, these results cannot be reviewed for accuracy.

¹⁴ The results are available for 62 of 63 substations. The Mohansic substation (serving customers in Westchester County) is missing from both the source data and results.

Applying Modified BESS Hosting Capacity Methodology with Public Data

We next apply the modified BESS Hosting Capacity Methodology for an example substation area.

Consider the **Rockview substation** serving Westchester County. Based on Con Edison’s Hosting Capacity Web Application dataset¹⁵, the substation capability (C) = **252 MW**. The Summer 2025 actual peak load curve was:



- Notes:
- Rockview is supplied by Rockview which has a capability of $C = 252$ MW. The Rockview 5-Yr peak CAGR is: 1.7%
 - Rockview also supplies the following networks: Rockview
 - Rockview’s capability may be constrained by upstream supply conditions
 - The data used to produce these curves is based on 2025 actual loading

Hour Ending	1	2	3	4	5	6	7	8	9	10	11	12
Load (MW)	62	58	55	52	51	52	56	61	64	68	73	77
Hour Ending	13	14	15	16	17	18	19	20	21	22	23	24
Load (MW)	80	84	87	90	92	94	95	93	90	86	78	71

The peak load was from 6pm-7pm (Hour Ending 19) with $L_{peak} = 95$ MW. The maximum offpeak load was from 11pm-12am (Hour Ending 24) with $L_{offpeak} = 71$ MW, by taking the maximum load from the red highlighted cells which range from 51 MW (HE5) to 71 MW (HE24). From Con Edison’s November

¹⁵ See Appendix A for Hosting Capacity load curve source data from 82 network areas, including the substation capacities, Peak MW load curves, and list of network areas per substation. Note that load curves for the Mohansic and Morgan networks are missing. Also, the Randall’s Island network area is not associated with any substation.

SIR Inventory, the Rockview substation has 0.2 MW of completed BESS projects and $Q = 0.0$ MW of BESS projects with executed interconnection agreements. Based on these four input variables, for the Rockview substation the Estimated Available BESS Hosting Capacity is:

$$B_{\text{available}} = 1.8 \times [\max(70\% \times C, L_{\text{peak}}) - L_{\text{offpeak}}] - Q$$

$$B_{\text{available}} = 1.8 \times [\max(70\% \times [252 \text{ MW}], [95 \text{ MW}]) - [71 \text{ MW}]] - [0 \text{ MW}]$$

$$B_{\text{available}} = 1.8 \times [\max([176.4 \text{ MW}], [95 \text{ MW}]) - [71 \text{ MW}]]$$

$$B_{\text{available}} = 1.8 \times [[176.4 \text{ MW}] - [71 \text{ MW}]]$$

$$B_{\text{available}} = 1.8 \times [105.4 \text{ MW}]$$

$$B_{\text{available}} = 189.7 \text{ MW}$$

This result materially surpasses the 50-100 MW tranche for Estimated Available BESS Capacity listed for Rockview by 89.7-139.7 MW.

In the following six tables for Con Edison’s 63 area substations organized by region (New York City borough or Westchester County), we follow the same approach to derive the results of this Hosting Capacity methodology using the best-available utility-provided data for the input variables C , L_{peak} , L_{offpeak} , and Q , as described above, with Estimated Available BESS Capacity tranches, as provided by Con Edison in their Notice.

Bronx Substation Test Results (6 Area Substations)

Substation	C	L_{peak}	L_{offpeak}	Offpeak Hr	Q^{16}	Complete	$B_{\text{available}}$	Tranche
Bruckner	323	244	228	11pm-12am	9.8	0.0	19.0	25-50 MW
East 179th Street	353	261	240	11pm-12am	27.4	0.0	10.4	0-25 MW
Mott Haven	249	193	176	11pm-12am	59.2	0.0	0.0	0-25 MW
Parkchester No. 1	236	212	189	11pm-12am	34.8	5.3	6.6	0-25 MW
Parkchester No. 2	169	109	100	11pm-12am	39.2	3.1	0.0	0-25 MW
Sherman Creek	384	275	240	11pm-12am	4.8	0.1	58.2	25-50 MW
Bronx Total					59.2	8.6	94.2	50-200 MW

¹⁶ Aggregated BESS interconnection data are drawn from Con Edison’s November 2025 SIR Inventory filing which includes all applications on or before October 31, 2025. This column removes “Complete” projects with Permission to Operate prior to June 1, 2025, because the associated charge/discharge profile should be included in the L_{peak} and L_{offpeak} data.

Brooklyn Substation Test Results (7 Area Substations)

Substation	C	L _{peak}	L _{offpeak}	Offpeak Hr	Q	Complete	B _{available}	Tranche
Bensonhurst No. 1	511	352	288	11pm-12am	54.4	0.1	71.1	50-100 MW
Bensonhurst No. 2	540	389	345	11pm-12am	32.4	0.1	46.8	50-100 MW
Brownsville No. 1	523	415	380	11pm-12am	87.0	5.3	0.0	0-25 MW
Brownsville No. 2	501	333	302	11pm-12am	72.0	4.8	15.6	0-25 MW
Greenwood	511	490	393	11pm-12am	32.2	0.1	142.4	50-100 MW
Plymouth Street	502	301	244	7am-8am	14.0	0.0	179.3	50-100 MW
Water Street	497	429	356	11pm-12am	9.2	0.8	122.2	50-100 MW
Brooklyn Total					301.3	11.2	577.4	250 – 550 MW

Manhattan Substation Test Results (26 Area Substations)

Substation	C	L _{peak}	L _{offpeak}	Offpeak Hr	Q	Complete	B _{available}	Tranche
Astor	179	78	62	7am-8am	0.0	0.0	113.9	25-50 MW
Avenue A	248	221	179	11pm-12am	0.0	0.0	75.6	25-50 MW
Cherry Street	190	131	105	7am-8am	0.0	0.0	50.4	0-25 MW
East 29th Street	270	201	178	7am-8am	0.0	0.0	41.4	0-25 MW
East 36th Street	255	144	123	7am-8am	0.0	0.1	99.9	0-25 MW
East 40th Street No. 1	242	145	125	7am-8am	0.0	0.0	79.9	25-50 MW
East 40th Street No. 2	228	89	81	7am-8am	0.0	0.0	141.5	50-100 MW
East 63rd Street No. 1	252	167	147	7am-8am	0.0	0.1	52.9	25-50 MW
East 63rd Street No. 2	257	149	130	7am-8am	0.0	0.0	89.8	50-100 MW
East 75th Street	243	235	200	7am-8am	0.0	0.5	63.0	25-50 MW
Hellgate	340	277	243	7am-8am	0.0	0.3	61.2	25-50 MW
Leonard Street No. 1	275	191	154	7am-8am	0.0	0.0	69.3	25-50 MW
Leonard Street No. 2	286	159	137	7am-8am	0.0	0.2	113.8	50-100 MW
Murray Hill	186	100	76	7am-8am	0.0	0.0	97.6	50-100 MW
Parkview	174	139	121	11pm-12am	0.0	0.0	32.4	0-25 MW
Seaport No. 1	262	119	108	7am-8am	0.0	0.0	135.7	50-100 MW
Seaport No. 2	212	67	61	7am-8am	0.0	0.1	157.3	50-100 MW
Trade Center No. 1	182	96	85	7am-8am	0.0	0.0	76.3	25-50 MW
West 110th Street No. 1	280	188	175	11pm-12am	0.0	0.1	37.8	25-50 MW
West 110th Street No. 2	251	204	170	11pm-12am	0.0	0.0	61.2	25-50 MW
West 19th Street	244	181	151	7am-8am	0.0	0.0	54.0	25-50 MW
West 42nd Street No. 1	262	144	120	7am-8am	3.4	0.1	110.7	50-100 MW
West 42nd Street No. 2	256	162	136	7am-8am	0.0	0.6	77.8	25-50 MW
West 50th Street	271	170	147	7am-8am	0.0	0.3	76.9	25-50 MW
West 65th Street No. 1	162	115	100	7am-8am	0.0	0.0	27.0	0-25 MW
West 65th Street No. 2	252	188	171	7am-8am	0.0	0.4	30.6	0-25 MW
Manhattan Total					3.4	2.7	2,027.9	675-1,500 MW

Queens Substation Test Results (6 Area Substations)

Substation	C	L _{peak}	L _{offpeak}	Offpeak Hr	Q	Complete	B _{available}	Tranche
Corona No. 1	511	377	301	11pm-12am	14.8	0.0	122.0	50-100 MW
Corona No. 2	463	412	352	11pm-12am	14.8	0.1	93.2	25-50 MW
Glendale	390	249	219	11pm-12am	68.4	15.9	28.8	0-25 MW

Jamaica	492	459	414	11pm-12am	51.5	1.2	29.5	25-50 MW
Newtown	244	194	160	11pm-12am	8.9	4.9	52.3	0-25 MW
North Queens	493	242	199	7am-8am	10.0	0.0	253.0	>100 MW
Queens Total					168.4	22.0	578.8	100->350 MW

Staten Island Substation Test Results (5 Area Substations)

Substation	C	L _{peak}	L _{offpeak}	Offpeak Hr	Q	Complete	B _{available}	Tranche
Fox Hills	231	194	150	11pm-12am	44.6	0.0	34.6	25-50 MW
Fresh Kills	212	174	143	11pm-12am	114.9	8.7	0.0	0-25 MW
Wainwright	84	77	56	11pm-12am	8.0	8.0	29.8	0-25 MW
Willowbrook	87	80	61	11pm-12am	9.1	0.0	25.1	0-25 MW
Woodrow	109	104	77	11pm-12am	12.9	14.9	35.7	0-25 MW
Staten Island Total					189.5	31.5	125.2	25-150 MW

Westchester Substation Test Results (13 Area Substations)

Substation	C	L _{peak}	L _{offpeak}	Offpeak Hr	Q	Complete	B _{available}	Tranche
Buchanan	158	117	85	11pm-12am	10.9	2.2	46.7	25-50 MW
Cedar Street	168	109	87	11pm-12am	0.0	1.0	55.1	25-50 MW
Elmsford No. 2	239	158	116	11pm-12am	6.6	3.0	85.8	50-100 MW
Granite Hill	295	217	180	11pm-12am	29.4	0.3	37.2	25-50 MW
Grasslands	165	101	80	11pm-12am	17.7	5.3	46.2	25-50 MW
Harrison	243	199	136	11pm-12am	10.4	1.5	103.0	50-100 MW
Millwood West	83	68	47	11pm-12am	9.8	2.2	28.0	0-25 MW
Mohansic	missing data				3.8	4.3		
Ossining West	89	70	53	11pm-12am	9.8	4.9	20.8	0-25 MW
Pleasantville	92	65	59	7am-8am	4.5	1.2	6.3	25-50 MW
Rockview	252	95	71	11pm-12am	0.0	0.2	189.7	50-100 MW
Washington Street	231	202	171	11pm-12am	28.1	0.7	27.7	25-50 MW
White Plains	265	204	150	7am-8am	12.4	2.4	84.8	25-50 MW
Westchester Total					143.2	29.1	731.3	325 – 700 MW

Systemwide BESS Hosting Capacity (63 Area Substations)

Region	Q	Complete	B _{available}
Bronx	59.2	8.6	94.2
Brooklyn	301.3	11.2	577.4
Manhattan	3.4	2.7	2,027.9
Queens	168.4	22.0	578.8
Staten Island	189.5	31.5	125.2
Westchester	143.2	29.1	731.3
Con Edison Total	865.0	105.1	4,134.8

- a. There is a systemic mismatch between the calculated $B_{available}$ results and the assigned tranches, with 38 of 63 area substations reporting more available BESS capacity than in the Notice's tranche table (shaded in blue). 21 substations match the tranches (shaded in green) and three $B_{available}$ results are lower than the tranche table (shaded in red).

Comparison	Count of Substation Areas	% of Areas
$B_{\text{available}} > \text{Tranche}$	38	60%
$B_{\text{available}}$ within Tranche	21	33%
$B_{\text{available}} < \text{Tranche}$	3	5%
Missing Data	1	2%
Total Substation Areas	63	100%