



Control Number: 14406



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**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**White Stallion Energy Center, LLC**

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**Docket No. EG11- 72 -000**

**NOTICE OF SELF-CERTIFICATION AS AN EXEMPT  
WHOLESALE GENERATOR**

Pursuant to the Public Utility Holding Company Act of 2005 ("PUHCA 2005")<sup>1</sup> and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the "Commission"),<sup>2</sup> White Stallion Energy Center, LLC ("Applicant"), a Texas limited liability company, hereby submits this notice of self-certification ("Notice") of its status as an exempt wholesale generator ("EWG"), as such term is defined by Section 366.1 of the Commission's regulations.<sup>3</sup> In support of this Notice, Applicant hereby states as follows:

**I. COMMUNICATIONS**

All communications regarding this Notice should be addressed to both of the following representatives:

Randy Bird, P.E.  
Chief Operating Officer  
White Stallion Energy Center, LLC  
1302 Waugh Drive, Suite 896  
Houston, TX 77019-3908  
Telephone: (859) 200-4752  
Facsimile: (713) 523-7812  
Email: [rbird@whitestallionenergycenter.com](mailto:rbird@whitestallionenergycenter.com)

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<sup>1</sup> PUHCA 2005 is the short name for Subtitle F of Title XII of the Energy Policy Act of 2005, Pub. L. No. 109-58, §§ 1261-1277, 119 Stat. 972-978 (2005).

<sup>2</sup> 18 C.F.R. § 366.7 (2010).

<sup>3</sup> 18 C.F.R. § 366.1 (2010).

Michael J. Tomsu  
Vinson & Elkins LLP  
2801 Via Fortuna, Suite 100  
Austin, TX 78746  
Telephone: (512) 542-8527  
Facsimile: (512) 236-3211  
Email: [mtomsu@velaw.com](mailto:mtomsu@velaw.com)

## **II. BACKGROUND AND DESCRIPTION OF APPLICANT**

Applicant owns and is constructing the White Stallion Energy Center (the "Facility"), a 1,320 MW, base-load, solid-fueled electric power generating station to be located one mile south of Bay City in Matagorda County, Texas. The Facility will be fueled by a blend of coal and pet coke. The Facility will be interconnected with the transmission system of CenterPoint Energy. Applicant intends to sell wholesale electric energy in the markets operated by the Electric Reliability Council of Texas ("ERCOT").

## **III. SELF-CERTIFICATION OF EWG STATUS**

### **A. REPRESENTATIONS OF APPLICANT**

In addition to the general information provided above, Applicant self-certifies to the Commission pursuant to this Notice that it is an EWG within the meaning of PUHCA 2005 and 18 C.F.R. §§ 366.1 and 366.7. In support of this Notice, Applicant hereby provides the following representations required by the Commission's regulations<sup>4</sup> for self-certification of EWG status:

1. Applicant will be engaged directly, or indirectly through one or more affiliates as defined in Subchapter U of the Commission's regulations, and exclusively in the business of owning or operating, or both owning and operating, all or part of the Facility, and

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<sup>4</sup> See 18 C.F.R. §366.1 (2010).

selling electric energy at wholesale. The Facility, as described above, satisfies and will continue to satisfy the definition of an "eligible facility," because it will be used exclusively for the generation of electric energy for sale at wholesale.

2. The Facility includes no transmission or distribution facilities other than the interconnecting transmission facilities that are necessary to permit a sale of electric energy at wholesale.

3. All of the electric energy generated by the Facility will be sold directly within the United States of America exclusively at wholesale. Applicant will not make any foreign retail sales of electric energy. Applicant will not sell electricity at retail to any customer.

4. There are no leasing arrangements involving the Facility and any public utility company or any affiliate or associate company of any public utility company.

5. No portion of the Facility will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Applicant, as defined in § 366.1 of the Commission regulations.

6. No rate or charge for, or in connection with, the construction of the eligible facilities, or for electric energy produced thereby (other than a rate or charge which represents recovery of the cost of a wholesale rate or charge), was in effect under the laws of any state on October 24, 1992. Therefore, no state commission determination under Section 32(c) of PUHCA is required in connection with this Notice.

#### **B. NOTICE TO STATE REGULATORY AUTHORITY**

Pursuant to Section 366.7(a) of the Commission's regulations, Applicant is providing a copy of this Notice to the Public Utility Commission of Texas, which is the regulatory authority of the state in which the Facility is located.

**C. NOTICE OF SELF-CERTIFICATION FOR PUBLICATION IN FEDERAL REGISTER**

A copy of the proposed notice of this Notice of Self-Certification suitable for publication in the Federal Register is attached as Attachment A hereto.

**D. SUBSCRIPTION PURSUANT TO COMMISSION REQUIREMENTS**

Pursuant to Section 366.7(a) of the Commission's regulations, this Notice is subscribed consistent with the terms of 18 C.F.R. § 385.2005(a).

**IV. CONCLUSION**

Based on the facts and representations set forth in this Notice, Applicant hereby requests the Commission accept this Notice of Self-Certification as an Exempt Wholesale Generator demonstrating that Applicant is an EWG under PUHCA 2005 and 18 C.F.R. § 366.1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Tomsu", is written over a horizontal line.

Michael J. Tomsu  
Vinson & Elkins L.L.P.  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746  
Telephone: 512.542.8527  
Facsimile: 512.236.3211

Attorneys for  
White Stallion Energy Center, LLC

March 25, 2011

**ATTACHMENT A  
DRAFT FEDERAL REGISTER NOTICE**

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>White Stallion Energy Center, LLC</b>	§ § §	<b>Docket No. EG11-____-000</b>
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**NOTICE OF SELF-CERTIFICATION AS AN EXEMPT  
WHOLESALE GENERATOR**

**(March 25, 2011)**

Take notice that on March 25, 2011, White Stallion Energy Center, LLC ("Applicant") filed a Notice of Self-Certification demonstrating that the Applicant is an exempt wholesale generator within the meaning of section 366.1 of the Commission's regulations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate, pursuant to 18 C.F.R. § 385.214. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

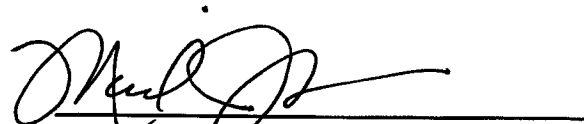
The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Kimberly D. Bose  
Secretary

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Self-Certification as an Exempt Wholesale Generator was served via first-class mail, postage prepaid, upon the Public Utility Commission of Texas, P. O. Box 13326, Austin, Texas 78711-3326, on this 25th day of March, 2011.

  
Michael J. Tomsu