



Control Number: 14406



Item Number: 560

Addendum StartPage: 0

PUC PROJECT NO. 14406

REGISTRATION OF POWER
MARKETER PURSUANT TO
SUBSTANTIVE RULE § 25.105

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PUBLIC UTILITY COMMISSION
OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

POWER MARKETER REGISTRATION OF DC ENERGY, LLC

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

Pursuant to P.U.C. SUBST. R. 25.105 and §35.032 of the Public Utility Regulatory Act, DC Energy, LLC ("DC Energy") hereby provides proof of its authorization by the Federal Energy Regulatory Commission to sell electricity at market based rates and submits this registration as a power marketer in the State of Texas. In support of this registration, DC Energy hereby shows the following:

1. Name and Address of Registrant:

DC Energy, LLC
8065 Leesburg Pike, Fifth Floor
Vienna, VA 22182

2. Communication regarding this matter shall be addressed to both of the following:

Dr. Andrew J. Stevens, Ph.D.
Managing Director
DC Energy, LLC
8065 Leesburg Pike, Suite 500
Vienna, VA 22182-2733

Telephone: (703) 760-4352
Fax: (703) 506-3905
Email: stevens@dc-energy.com

Joelle K. Ogg
General Counsel
DC Energy, LLC
8065 Leesburg Pike, Suite 500
Vienna, VA 22182-2733

Telephone: (703) 760-8535
Fax: (703) 506-3905
Email: ogg@dc-energy.com

3. DC Energy is a wholly-owned subsidiary of DC Energy Holdings, LLC. The principal business activity of DC Energy Holdings is to own, hold, and manage its wholly and majority-owned subsidiaries.

4. Two affiliated entities, DC Energy Texas, LLC and DC Energy Southwest, LLC, are registered with the Public Utility Commission of Texas as power marketers that buy and sell electricity at wholesale in Texas.
5. DC Energy does not own any facilities in Texas used to provide electric service.
6. DC Energy intends to serve as a marketer of wholesale electric power in Texas and intends to buy and sell electricity at wholesale in Texas.
7. DC Energy is registered as a power marketer with the Federal Energy Regulatory Commission ("FERC").¹ See Attachment A, incorporated herein by reference.
8. See Attachment B, the affidavit of Dr. Andrew J. Stevens, in support of this Power Marketer Registration, which is incorporated herein by reference.

March 29, 2012

Respectfully submitted,

DC Energy, LLC

By: 

Joelle K. Ogg
DC Energy, LLC
8065 Leesburg Pike, Suite 500
Vienna, VA 22182-2733
Tel: (703) 760-8535
Fax: (703) 506-3905
Email: ogg@dc-energy.com

Counsel for DC Energy, LLC

¹ *DC Energy, LLC*, "Letter Order," FERC Docket No. ER04-381-000 (February 5, 2004); "Letter Order," FERC Docket No. ER04-381-001 (June 5, 2007); "Letter Order," FERC Docket No. ER04-381-002 (August 8, 2008); and "Letter Order," FERC Docket No. ER11-3094 (May 9, 2011).

EXHIBIT A

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

In Reply Refer To:
DC Energy, LLC
Docket No. ER04-381-000
February 5, 2004

Stephen C. Palmer
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W.
Suite 300
Washington, DC 20007-5116

Reference: Market-Based Rate Authorization

Ladies and Gentlemen:

Pursuant to the authority delegated to the Director, Division of Tariffs and Market Development - South, under 18 C.F.R. § 375.307, the market-based rate application filed in the referenced docket, along with the proposed designation, is accepted for filing effective January 16, 2004, as requested.¹

On January 8, 2004, you filed on behalf of DC Energy, LLC (DC Energy), an application for market-based rate authority, with an accompanying tariff. The proposed market-based rate tariff provides for the sale of capacity, energy, and ancillary services at market-based rates, the reassignment of transmission capacity, and the resale of firm transmission rights.

DC Energy is a Delaware limited liability company whose primary business will be the marketing of electricity to wholesale customers as a power marketer.

Your market-based rate tariff complies with the Commission's requirements for market-based rate authority. Applicant is granted those waivers and authorizations typically granted to other sellers of power at market-based rates, to the extent specified in Appendix A. In addition, Applicant must comply with the reporting requirements specified in Appendix A.

¹ FERC Electric Tariff, Original Volume No. 1, Original Sheet Nos. 1-6.

Docket No. ER04-381-000

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The applicant proposes to sell any other ancillary services in additional geographic markets as the Commission may specify and authorize from time-to-time in orders that extend such authority to all sellers previously authorized to sell energy and/or capacity at market-based rates. We will grant your request in this regard; however, our grant does not relieve the applicant of the requirement to have current and complete tariffs on file with the Commission, pursuant to 18 C.F.R. '35.1 (2001).²

Your filing was noticed on January 13, 2004, with comments, protests or interventions due on or before January 29, 2004. No protests or adverse comments were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, 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 action 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 Applicant.

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 CFR § 385.713.

Sincerely,

Steve P. Rodgers, Director
Division of Tariffs and Market
Development – South

² Calhoun Power Co., 96 FERC ¶ 61,056 (2001).

Appendix A

Waivers and Authorizations¹

Any waivers or authorizations requested by the applicant are granted to the extent specified herein. Waiver of the prior or advance notice requirements, if requested, is granted. The applicant must comply with the reporting requirements specified herein.

If requested, the following waivers of the Commission's Regulations are granted:²

- 1) Part 41, regarding accounts, records, and memoranda;
- 2) Part 101, regarding the uniform system of accounts; and
- 3) Part 141, regarding statements and reports, with the exception of 18 C.F.R. §§ 141.14, .15 (2002). Licensees remain obligated to file the Form No. 80 and the Annual Conveyance Report.

See Citizens Energy Corporation (Citizens Energy), 35 FERC ¶ 61,198 (1986), Citizens Power and Light Corporation (Citizens P&L), 48 FERC ¶61,210 (1989), and Enron Power Marketing, Inc. (Enron), 65 FERC ¶ 61,305 (1993), order on rehearing, 66 FERC ¶ 61,244 (1994).

The requirements of Part 34 of the Commission's Regulations regarding securities and assumptions of liabilities are statutory in nature and cannot be waived. If an applicant requested blanket approval under Part 34, a separate notice will be published in the Federal Register following this letter order, establishing a period during which protests may be filed. Absent a request to be heard in opposition within the period set

¹ It should be noted that the Commission is examining the issue of continued applicability of the waivers of its accounting and reporting requirements (18 C.F.R. Parts 41, 101 and 141 (2002)), as well as continued applicability of the blanket authorization for the issuance of securities and the assumption of obligations and liabilities, (18 C.F.R. Part 34 (2002)). Accounting and Reporting of Financial Instruments, Comprehensive Income, Derivatives and Hedging Activities, See Order No. 627, Docket No. RM02-3-000 at P 23 and P 24, III FERC Stats. & Regs. ¶ 32,558 (Oct. 10, 2002). The continued applicability of these waivers and blanket authorizations will be reevaluated as a result of Commission activities in that proceeding.

² In Southern Company Services, Inc., et al., 99 FERC ¶ 61,103 (2002), the Commission put all utilities on the same footing with regard to Part 35 filing requirements. Therefore, Tariffs/Rate Schedules must be filed, but conforming service agreements do not. No waiver is necessary.

forth in the notice, if the applicant has requested such approval, the applicant is authorized to issue securities and assume obligations or liabilities as guarantor, endorser, 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 the applicant, compatible with the public interest, and reasonably necessary or appropriate for such purposes. See Citizens P&L and Enron.

Requests that the Commission waive the requirements of Part 46 of its Regulations regarding interlocking directors are denied. In Enron, the Commission stated that the requirements of Part 46 regarding interlocking directors are statutory in nature and may not be waived.

If requested, until further order of the Commission, the full requirements of Part 45 of the Commission's Regulations, except as noted below, are hereby waived with respect to any person now holding or who may hold an otherwise proscribed interlocking directorate involving the applicant. Any such person instead shall file a sworn application providing the following information: (1) full name and business address, and (2) all jurisdictional interlocks, identifying the affected companies and the positions held by that person. See Enron.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of issuances of securities or assumptions of liabilities, or by the continued holding of any affected interlocks.

Requests for disclaimer of jurisdiction over brokering activities, in which title to electricity is not taken, must be filed separately as a petition for a declaratory order accompanied by the appropriate filing fee. See Citizens Energy and Heartland Energy Services, Inc., 68 FERC ¶ 61,223 (1994).

Requests that the Commission waive annual charges for power marketers, under Part 382 of the Commission's Regulations, are denied. See Morgan Stanley Capital Group Inc. (Morgan Stanley I), 69 FERC ¶ 61,175 (1994) and Morgan Stanley Capital Group Inc. (Morgan Stanley II), 72 FERC ¶ 61,082 (1995).

Requests for waiver of the provisions of Section 203 regarding the disposition of jurisdictional facilities, the merger or consolidation of such facilities, or the acquisition of the securities of another public utility, are denied. The provisions of Section 203 are statutory in nature and may not be waived. See Resources Recovery (Dade County), Inc., 20 FERC ¶ 61,138 (1982). Requests for clarification that sales of accounts receivable are

not dispositions of jurisdictional facilities and are, therefore, not within the scope of Section 203, are granted. See Enron. Requests for clarification that the assignment of a power sales contract constitutes a disposition of jurisdictional facilities under Section 203 are granted. See Enron. Requests for clarification that funds received from the sale of electricity are not jurisdictional facilities within the meaning of Section 203 are granted. See Citizens Energy. Also, requests for clarification that the requirements of Section 203 do not apply to the facilities of a power marketer that are not involved in the generation, transmission or sale for resale of electric energy, are granted. See Howell Gas Management Co., 40 FERC ¶ 61,336 (1987).

If requested, waiver of compliance with the requirements of Order Nos. 888 and 889 is granted. Waiver of compliance with the requirements of Order No. 888 is granted until such time as the applicant receives a request for transmission service. See Black Creek Hydro, Inc., et al., 77 FERC ¶ 61,232 at 61,941 (1996). Waiver of compliance with the requirements of Order No. 889 is appropriate because: (1) the applicant owns, operates, or controls only limited and discrete transmission facilities (rather than an integrated transmission grid); or (2) the applicant is a small public utility that owns, operates, or controls an integrated transmission grid. See Midwest Energy, Inc., et al., 77 FERC ¶ 61,208 at 61,854 (1996).

Requests that the Commission waive its requirement that purchasers of electricity under market-based rate schedules certify that the purchase price was equal to or less than its avoided cost, are moot. The Commission eliminated the requirement in Louisville Gas & Electric Company, 62 FERC ¶ 61,016 (1993).

Requests for approval to reassign transmission capacity are found to be consistent with the Commission's requirements. See Southwestern Public Service Company, 80 FERC ¶ 61,245 (1997). Power marketers not requesting approval to reassign transmission capacity are informed that they are authorized to reassign transmission capacity pursuant to the Commission's order in Enron Power Marketing, Inc., 81 FERC ¶ 61,277 (1997).

Requests for approval to buy and sell firm transmission rights are found to be consistent with the Commission's requirements. See California Independent System Operator, Inc., 89 FERC ¶ 61,153 (1999).

Should an applicant or any of its affiliates deny, delay, or require unreasonable terms, conditions, or rates for natural gas fuel or services to a potential electric competitor in bulk power markets, then that electric competitor may file a complaint with the Commission that could result in the applicant's or its affiliate's authority to sell power at

market-based rates being suspended. See, e.g., Louisville Gas & Electric Company, 62 FERC ¶ 61,016 at 61,148 (1993).

Reporting Requirements

Order No. 2001³ changed the filing requirements applicable to agreements for public utilities with market-based power sales tariffs and rate schedules. Previous requirements that public utilities file agreements and Quarterly Transaction Reports, in hard copy format, detailing their market-based power sales transactions were rescinded as of July 1, 2002. Effective July 1, 2002, all executed market-based rate agreements will no longer be filed with the Commission in hard copy format. Instead, each public utility (including traditional electric utilities and power marketers with market-based rate authority) must file electronically with the Commission an Electric Quarterly Report⁴ containing: (1) a summary of the contractual terms and conditions in every effective service agreement; and (2) detailed transaction information for effective short-term (less than one year) and long-term (one year or greater) power sales during the most recent calendar quarter.⁵ Electric Quarterly Reports must be filed no later than the last day of the month following each calendar quarter.⁶

If the applicant fails to file an Electric Quarterly Report (without an appropriate request for extension), or fails to report an agreement in a report, the applicant may forfeit its market-based rate authority requiring filing of a new application for market-based rate authority if it wishes to resume making sales at market-based rates.

³ Revised Public Utility Filing Requirements, 99 FERC ¶ 61,107 (2002); reh'g denied, 100 FERC ¶ 61,074 (2002), reh'g denied, 100 FERC ¶ 61,342 (2002).

⁴ The Electric Quarterly Report must be submitted to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/Electric/eqr/eqr.htm>. A company-unique PIN code is required for submission of data to the Commission. To obtain a PIN Code contact ferconline@ferc.gov, or call (866) 208-3676, or in Washington, DC call (202) 502-6652.

⁵ Required data sets for contractual and transaction information are described in Attachments B and C of Order No. 2001.

⁶ The exact filing dates for these reports are prescribed in 18 C.F.R. § 35.10b.

Each applicant must file an updated market analysis within three years of the date of this order, and every three years thereafter. The Commission also reserves the right to require such an analysis at any intervening time.

Applicant must inform the Commission promptly of any change in status that would reflect a departure from the characteristics the Commission has relied upon in approving market-based pricing. These include, but are not limited to: (a) ownership of generation or transmission facilities or inputs to electric power production other than fuel supplies; or (b) affiliation with any entity not disclosed in the applicant's filing and that owns generation or transmission facilities or inputs to electric power production, or that has a franchised service area. Applicant may elect to report such changes in conjunction with its updated market analysis or in a separate report filed under the docket number in which it received market-based rate authority.

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

June 5, 2007

In Reply Refer To:
DC Energy, LLC
Docket No. ER04-381-001

Mr. Stephen C. Palmer
Alston & Bird, LLP
Attorney for DC Energy, LLC
950 F Street, NW
Washington, D.C. 20004-1404

Reference: Updated Market Power Analysis

Dear Mr. Palmer:

Pursuant to the authority delegated to the Director, Division of Tariffs and Market Development - West, under 18 C.F.R. § 375.307, your submittal filed in the referenced docket is accepted for filing.

On May 9, 2007, you filed on behalf of DC Energy, LLC (DC Energy), an updated market power analysis pursuant to the Commission's order granting DC Energy authority to sell electric energy and capacity at market-based rates.¹

You state that DC Energy is a Delaware limited liability company and a power marketer. You state that DC Energy does not currently own or control any generation facilities. You further state that DC Energy does not currently own or control any transmission facilities. You state that DC Energy is unable to erect barriers to entry and that DC Energy does not have a franchised electric service territory.

Your filing was noticed on May 11, 2007, with comments, protests or interventions due on or before May 30, 2007. None was filed.

Market-Based Rate Authorization

¹ *DC Energy, LLC*, Docket No. ER04-381-000 (February 5, 2004) (unpublished letter order).

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, market power in generation and transmission and cannot erect other barriers to entry. The Commission also considers whether there is evidence of affiliate abuse or reciprocal dealing.²

You state that DC Energy is a power marketer that does not own or control any generation facilities. You state that DC Energy is wholly owned by DC Energy Holdings, LLC which also owns DC Energy Midwest, LLC, DC Energy New York, LLC, DC Energy Mid-Atlantic, LLC, DC Energy New England, LLC, DC Energy California, LLC and DC Energy Texas, LLC. You have stated that DC Energy Holdings, LLC, its subsidiaries, and their investors/owners do not own or operate any generation facilities. Accordingly, your submittal satisfies the Commission's requirements regarding generation market power.

In addition, based on your representations, your submittal satisfies the Commission's requirements for market-based rates regarding transmission market power, other barriers to entry, and affiliate abuse.

Reporting Requirements

In Order No. 664, the Commission stated that it no longer grants waivers of the full requirements of Part 45 in its orders granting market-based rate authority. Rather, persons seeking to hold interlocking positions are required henceforth to comply with the full requirements of Part 45.³ With respect to an individual who currently is authorized to hold interlocking positions, that individual will not need to refile under the full requirements of Part 45 to continue to hold such interlocking positions (unless and until that individual assumes different or additional interlocking positions).⁴ Thus, Order No. 664 requires that you henceforth comply with the full requirements of Part 45.

Consistent with the procedures the Commission adopted in Order No. 2001, you must file electronically with the Commission an Electric Quarterly Report containing:

² See, e.g., *Progress Power Marketing, Inc.*, 76 FERC ¶ 61,155, at 61,919 (1996); *Northwest Power Marketing Co., L.L.C.*, 75 FERC ¶ 61,281, at 61,899 (1996); accord *Heartland Energy Services, Inc.*, 68 FERC ¶ 61,223, at 62,062-63 (1994).

³ See *Commission Authorization to Hold Interlocking Positions*, Order No. 664, 112 FERC ¶ 61,298 at P 34, FERC Stats. & Regs. ¶ 31,194 (2005) ("[W]e intend to no longer grant waivers of the full requirements of [P]art 45 in our orders granting market-based rate authority. Rather, persons seeking to hold interlocking positions will be required henceforth to comply with the full requirements of [P]art 45").

⁴ *Id.* at P 36.

Docket No. ER04-381-001

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(1) a summary of the contractual terms and conditions in every effective service agreement for market-based power sales; and (2) transaction information for effective short-term (less than one year) and long-term (one year or greater) market-based power sales during the most recent calendar quarter.⁵ Electric Quarterly Reports must be filed quarterly no later than 30 days after the end of the reporting quarter.⁶

Order No. 652 requires that you 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.

Your next updated market power analysis is due within three years of the date of this order. The Commission has stated it reserves the right to require such an analysis at any time.⁷

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).

⁵ *Revised Public Utility Filing Requirements*, Order No. 2001, 67 Fed. Reg. 31,043 (May 8, 2002), FERC Stats. & Regs. ¶ 31,127 (2002). Required data sets for contractual and transaction information are described in Attachments B and C of Order No. 2001. The Electric Quarterly Report must be submitted to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/docs-filing/eqr.asp>.

⁶ The exact dates for these reports are prescribed in 18 C.F.R. § 35.10b. Failure to file an Electric Quarterly Report (without an appropriate request for extension), or failure to report an agreement in an Electric Quarterly Report, may result in forfeiture of market-based rate authority, requiring filing of a new application for market-based rate authority if the applicant wishes to resume making sales at market-based rates.

⁷ See, e.g., *Duke/Louis Dreyfus Energy Services (New England) L.L.C.*, 75 FERC ¶ 61,165 (1996); *Western Resources, Inc.*, 94 FERC ¶ 61,050 (2001).

Docket No. ER04-381-001

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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.

Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission
Attn: David Hunger
Phone: (202) 502-8148
Office of Energy Markets and Reliability
888 First Street, N.E., EM-5.4
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Tariffs and Market
Development - West

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

In Reply Refer To:

Docket Nos.

Allegheny Ridge Wind Farm, LLC	ER06-1397-003
ArcLight Energy Marketing, LLC	ER07-1106-001
Bank of America, N. A.	ER02-2536-005
Barclays Bank PLC	ER04-734-003, and
	ER07-981-001
August 8, 2008	ER07-74-001
Caithness Long Island, LLC	ER07-769-001
Cedar Rapids Transmission Company, Ltd.	ER02-2339-003
Citadel Energy Products LLC	ER08-274-003
Citadel Energy Strategies, LLC	ER02-2310-006
Crescent Ridge, LLC	ER08-731-001
DC Energy, California, LLC	ER04-381-002
DC Energy, LLC	ER06-913-002
DC Energy Mid-Atlantic, LLC	ER05-1467-001
DC Energy Midwest, LLC	ER06-914-002
DC Energy New England, LLC	ER06-912-002
DC Energy New York, LLC	ER08-632-002
DC Energy Texas, LLC	ER03-1088-003
Direct Energy Marketing Inc.	ER06-386-002
Direct Energy Services, LLC	ER07-749-002
Dyon, LLC	ER94-1478-019
Electrade Corporation	ER02-1632-004
Energy America LLC	ER99-2061-002
Enjet, Inc.	ER02-855-007
EPDC, Inc.	ER06-1135-002
EPCOR Energy Marketing (US) Inc.	ER05-723-006
EPCOR Power (Castleton) LLC	ER04-878-003
Equus Power I, L.P.	ER07-705-003
GSG, LLC	ER04-708-006
Horsehead Corp	ER01-174-004
Lighthouse Energy Trading Company, Inc.	ER07-892-001
Louis Dreyfus Energy Services L.P.	ER05-463-005
Mendota Hills LLC	ER08-38-004
Northern Renewable Energy (USA) Ltd.	ER00-895-009
Onondaga Cogeneration Limited Partnership	ER03-845-003
Pinpoint Power, LLC	ER94-1061-028
Rainbow Energy Marketing Corporation	ER07-1088-001
RBC Energy Services LP	

Docket Nos. ER06-1397-003, *et al.*

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S.A.C. Investments, L.P.	ER06-1489-002
Saracen Merchant Energy LP	ER05-495-002
Strategic Energy, LLC	ER05-1280-003
Saracen Energy LP	ER05-493-002
Saracen Energy Partners, LP	ER08-901-002
Saracen Energy Power Advisors LP	ER05-494-002
Texas Rail Energy, LLC	ER05-1515-001
USEG, LLP	ER06-1220-001
Yuma Power Limited Liability Company	ER08-1-002

Reference: Requests for Category 1 Status and Compliance Filings

Pursuant to the authority delegated to the Director, Division of Tariffs and Market Development - West, under 18 C.F.R. § 375.307, your submittals filed in the referenced dockets are accepted for filing, effective September 18, 2007, as requested.¹ Based on your representations, you meet the criteria for a Category 1 seller and are so designated.²

In Order No. 697, the Commission established two categories of sellers.³ Category 1 sellers are wholesale power marketers and wholesale power producers that own or control 500 MW or less of generation in aggregate per region; that do not own, operate or control transmission facilities other than limited equipment necessary to connect individual generating facilities to the transmission grid (or have been granted waiver of the requirements of Order No. 888); that are not affiliated with anyone that owns, operates or controls transmission facilities in the same region as the seller's

¹As requested, the following companies' revised market-based rate tariffs are effective: Citadel Energy Strategies, LLC: January 1, 2008; Saracen Energy Partners, LP: June 1, 2008; Northern Renewable Energy (USA) Ltd., and Yuma Power Limited Liability Company: June 6, 2008.

² *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, 72 Fed. Reg. 39,904 (July 20, 2007), FERC Stats. & Regs. ¶ 31,252, at P 848-850, 861, *clarified*, 121 FERC ¶ 61,260 (2007) (Order Clarifying Final Rule), *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055 (2008).

³ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 849 and P 391.

Docket Nos. ER06-1397-003, *et al.*

-3-

generation assets; that are not affiliated with a franchised public utility in the same region as the seller's generation assets; and that do not raise other vertical market power issues.⁴

The above-referenced companies submitted compliance filings in response to the Commission's Order Nos. 697 and 697-A. These companies represent that they meet the criteria for Category 1 status. These entities also filed revised market-based rate tariffs in compliance with Order Nos. 697 and 697-A.

No protests or adverse comments were filed. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

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 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.

⁴ 18 C.F.R. § 35.36(a)(2)-(3) (2008).

Docket Nos. ER06-1397-003, *et al.*

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Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission
Attn: Michelle Barnaby
Phone: (202) 502-8407
Office of Energy Market Regulation
888 First Street, N.E.
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Tariffs and Market
Development – West

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

	In Reply Refer To:
DC Energy California, LLC	Docket Nos. ER11-3086-000
DC Energy Dakota, LLC	ER11-3087-000
DC Energy Mid-Atlantic, LLC	ER11-3088-000
DC Energy Midwest, LLC	ER11-3089-000
DC Energy New England, LLC	ER11-3090-000
DC Energy New York, LLC	ER11-3091-000
DC Energy Southwest, LLC	ER11-3092-000
DC Energy Texas, LLC	ER11-3093-000
DC Energy, LLC	ER11-3094-000
Hammond Belgrade Energy, LLC	ER11-3209-000
Luminescent Systems, Inc.	ER11-3197-000
New Hampshire Industries, Inc.	ER11-3195-000
PalletOne Energy, LLC	ER11-3199-000
Shipyard Energy, LLC	ER11-3217-000
SJH Energy, LLC	ER11-3191-000
The Order of St. Benedict of New Hampshire	ER11-3178-000
Union Leader Corporation	ER11-3177-000
(collectively, Applicants)	

May 9, 2011

Reference: Order No. 714 Compliance Filings

Applicants filed revised market-based rate tariffs in compliance with Order No. 714¹ and Part 35 of the Commission's regulations.² Applicants represent these baseline tariffs to be consistent with each Applicant's tariff that is currently in effect and on file with the Commission.

No protests or comments were filed.

¹ *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

² Applicants are reminded that they must submit required filings on a timely basis, or face possible sanctions by the Commission.

Docket No. ER11-3086-000, *et al.* - 2 -

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307, and based on Applicants' representation, the tariffs are accepted for filing, effective as proposed.

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 Applicants.

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.

Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission
Attn: Valerie Gill
Phone: (202) 502-8527
Office of Energy Market Regulation
888 First Street, N.E.
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director
Division of Electric Power
Regulation - West

EXHIBIT B

AFFIDAVIT

STATE OF VIRGINIA

§

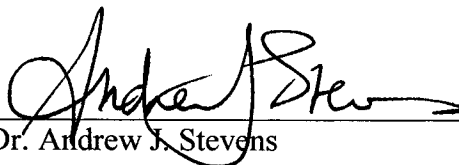
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COUNTY OF FAIRFAX

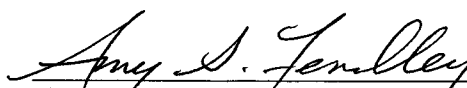
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I, Dr. Andrew J. Stevens, Managing Director of DC Energy, LLC, being duly sworn, on oath deposes and says:

1. My business address is 8065 Leesburg Pike, Fifth Floor, Vienna, VA 22182.
2. I am a Managing Director of DC Energy, LLC.
3. The purpose of this Affidavit is to verify that DC Energy is a power marketer as that term is defined in Section 31.002(11) of the Texas Utilities Code.
4. I have reviewed the "Power Marketer Registration of DC Energy, LLC" and certify that all of the statements contained therein are true and correct to the best of my knowledge, information and belief.


Dr. Andrew J. Stevens

SUBSCRIBED AND SWORN before me this 27th day of March, 2012.


Notary Public in and for the State of Virginia
Printed Name: Amy S. Fendley
My Commission Expires: 04/30/16

