

Control Number: 14406



Item Number: 639

Addendum StartPage: 0

14406

UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Baffin Wind LLC)	
	•)	Docket No. EG15-40-000
)	

NOTICE OF SELF-CERTIFICATION OF EXEMPT WHOLESALE GENERATOR STATUS

Pursuant to the Public Utility Holding Company Act of 2005 ("PUHCA 2005"), enacted as part of the Energy Policy Act of 2005, and Section 366.7 of the Rules and Regulations of the Federal Energy Regulatory Commission (the "Commission"), Baffin Wind LLC ("Applicant") hereby submits this Notice of Self-Certification of Exempt Wholesale Generator ("EWG") Status based on its ownership and operation of an approximately 201 MW wind-powered electric generating facility located in Kennedy County, Texas (the "Facility").

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this Notice shall be directed to:

Toan-Hao Nguyen Iberdrola Renewables, LLC 1125 NW Couch Street, Suite 700 Portland, Oregon 97209 Phone: (503) 241-3204 toan.nguyen@iberdrolaren.com

II. DESCRIPTION OF APPLICANT

Applicant is a limited liability company organized under the laws of the State of Oregon.

Applicant is a direct, wholly-owned subsidiary of Iberdrola Renewables, LLC ("Iberdrola Renewables"). Iberdrola Renewables is engaged, directly and through its subsidiaries, in the marketing and development of wind, solar, biomass and thermal energy facilities, and in

634

EPAct 2005, Pub. L. No. 109-58, 1261-80, 119 Stat. 594 (2005).

² 18 C.F.R. § 366.7 (2014).

providing other energy services. Iberdrola Renewables is an indirect, wholly-owned subsidiary of Iberdrola USA, Inc. ("Iberdrola USA"), a public utility holding company organized under the laws of the State of New York. Iberdrola USA is an indirect, wholly-owned subsidiary of Iberdrola, S.A. ("Iberdrola"), a Spanish public utility holding company whose shares are publicly traded on the Madrid Stock Exchange. Iberdrola USA is also the parent company of Iberdrola USA Networks, Inc. ("Iberdrola Networks"), organized under the laws of Maine. Through its subsidiaries, Iberdrola Networks is an energy services and delivery company with operations in New York, Maine and New Hampshire.

A. The Facility

The Facility is an approximately 201 MW wind-powered electric generating facility located in Kennedy County, Texas within the Electric Reliability Council of Texas ("ERCOT") footprint. The Facility expects to be in commercial operation in the first quarter of 2015 and is interconnected with transmission facilities owned by American Electric Power Service Corporation and managed by ERCOT.

III. SELF CERTIFICATION OF EWG STATUS

. The Commission's regulations require that an EWG be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating one or more eligible facilities and selling electric energy at wholesale.⁴ Consistent with the

Based on Iberdrola's 2013 Annual Corporate Governance Report, Iberdrola owns approximately 19.69% of the publicly-traded shares of Gamesa Corporación Tecnológica, S.A., a company listed on the Spanish stock exchange and whose affiliates own or control electric generating facilities.

See 18 C.F.R. §§ 366.7 and 366.1. Section 366.1 incorporates Sections 32(a)(2) through (4), and Sections 32(b) through (d) of the Public Utility Holding Company Act of 1935, 15 U.S.C. §§ 79z-5a(a)(2)-(4), 79z-5b(b)-(d) ("PUHCA 1935"), for the purposes of establishing or determining whether an entity qualifies for EWG status.

Commission's regulations, Applicant makes the following representations to certify that it will satisfy the requirements for EWG status:

- 1. Applicant will be engaged directly and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more "eligible facilities" and selling electric energy at wholesale, and each of the Facilities will satisfy the definition of an "eligible facility" because each will be used for the generation of electric energy exclusively for sale at wholesale.
- 2. Applicant will not own any transmission facilities other than those interconnection facilities that are necessary to effect the wholesale sale of electric energy from the Facilities, consistent with Commission precedent construing the definition of "eligible facility" under Section 32(a)(2) of PUHCA 1935.
- 3. No rate or charge for, or in connection with, the construction of the Facilities, or for electric energy produced thereby, was in effect under the laws of any State on October 24, 1992 and, therefore, no State determination is required with respect to this filing.
- 4. There are no lease arrangements through which Applicant will lease the Facilities to a public utility company or any other party.
- 5. Applicant does not sell electricity at retail to any customer. Accordingly, the Facilities do not rely on the exception provided by Section 32(b) of PUHCA 1935 regarding foreign sales of power at retail.
- 6. No portion of the Facilities will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Applicant.

In accordance with Section 366.7(a) of the Commission's regulations, a copy of this Notice is concurrently being served upon the Texas Public Utility Council.

IV. CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Respectfully submitted,

/s/ Toan-Hao Nguyen
Toan-Hao Nguyen
Iberdrola Renewables, LLC
1125 NW Couch, Suite 700
Portland, OR 97209

Counsel for Baffin Wind LLC

Dated: January 8, 2015