



Control Number: 14406



Item Number: 669

14406

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

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Mariah del Norte LLC

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Docket No. EG16-\_\_\_\_-000

**NOTICE OF SELF-CERTIFICATION OF  
EXEMPT WHOLESALE GENERATOR STATUS**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and Section 366.7 of the Rules and Regulations of the Federal Energy Regulatory Commission (the “Commission”),<sup>2</sup> Mariah del Norte LLC (“Applicant”) hereby submits this notice of self-certification that it is an exempt wholesale generator (“EWG”) as defined in Section 366.1 of the Commission’s regulations.<sup>3</sup>

**I. CORRESPONDENCE AND COMMUNICATIONS**

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

K.C. Hairston  
Balch & Bingham LLP  
1710 6th Avenue North  
Birmingham, AL 35203  
(205) 226-3435  
kchairston@balch.com

Luke O’Keefe  
c/o First Reserve Energy  
Infrastructure Advisors, L.L.C.  
One Lafayette Place  
Greenwich, CT 06830  
lokeefe@firstreserve.com

**II. DESCRIPTION OF APPLICANT AND THE FACILITY**

Applicant is a Delaware limited liability company. Applicant is developing an approximately 230 MW wind powered electric generation project in Parmer, Castro and Deaf Smith Counties, Texas (“the Facility”). The Facility is located in the Southwest Power Pool

<sup>1</sup> 42 U.S.C. § 16451, et seq.

<sup>2</sup> 18 C.F.R. § 366.7.

<sup>3</sup> 18 C.F.R. § 366.1.

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(“SPP”) but will be solely interconnected with the Electric Reliability Council of Texas (“ERCOT”). The Facility is projected to commence commercial operation on or about October 31, 2016. Applicant is indirectly owned by First Reserve Corporation (“First Reserve”). First Reserve is a private equity fund, focusing on energy infrastructure investments, including acquiring and holding interests in power generation projects.

### **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.<sup>4</sup> Consistent with the 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 the Facility will satisfy the definition of an “eligible facility” because it 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 Facility, consistent with Commission precedent construing the definition of “eligible facility” under Section 32(a)(2) of the Public Utility Holding Company Act of 1935 (“PUHCA 1935”).
3. No rate or charge for, or in connection with, the construction of the Facility, 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 Facility to a public utility company or any other party.

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<sup>4</sup> See 18 C.F.R. §§ 366.1 and 366.7.

5. Applicant does not sell electricity at retail to any customer. Accordingly, the Facility does 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 Facility 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 Public Utility Commission of Texas. A form of notice of Applicant’s notice of self-certification suitable for publication in the *Federal Register* is attached.

#### **IV. CONCLUSION**

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

Dated: June 7, 2016

Respectfully submitted,

/s/ K.C. Hairston

Counsel for Mariah del Norte LLC

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

Mariah del Norte LLC

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Docket No. EG16-\_\_\_\_-000

**NOTICE OF FILING**

Take notice that on June 7, 2016, pursuant to the Public Utility Holding Company Act of 2005, and Section 366.7 of the regulations of the Federal Energy Regulatory Commission ("FERC" or "Commission"), 18 C.F.R. § 366.7 (2015), Mariah del Norte LLC ("Applicant") submitted a notice of self-certification as an exempt wholesale generator, as defined in Section 366.1 of the Commission's regulations, 18 C.F.R. § 366.1.

Applicant is a Delaware limited liability company. Applicant is developing an approximately 230 MW wind powered electric generation project in Parmer, Castro and Deaf Smith Counties, Texas ("the Facility"). The Facility is located in the Southwest Power Pool ("SPP") but will be solely interconnected with the Electric Reliability Council of Texas ("ERCOT").

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. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to 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, NE, Washington, DC 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, DC. 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.

Comment Date: 5:00 pm Eastern Time on \_\_\_\_\_, 2016.

Kimberly D. Bose  
Secretary



K.C. HAIRSTON  
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June 7, 2016

Public Utility Commission of Texas  
1701 N. Congress Avenue  
PO Box 13326  
Austin, TX 78711-3326

**Re: Mariah del Norte LLC**  
**Notice of Self-Certification of Exempt Wholesale Generator Status**

Dear Sir or Madame:

Please find enclosed four (4) copies of the above referenced document.

Sincerely,

A handwritten signature in black ink, appearing to read "KCH", followed by a long horizontal line.

K.C. Hairston  
Counsel for Mariah del Norte LLC

KCH/dkf