



Control Number: 14406



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PUBLIC UTILITY COMMISSION
FILING CLERK



November 8, 2017

Ms. Lisa Clark
Filing Clerk
Public Utility Commission of Texas
1701 N. Congress Ave.
Austin, TX 78711

RE: Docket No. 14406, Notice of Self-Certification of Exempt Wholesale Generator Status of Callahan Wind Divide, LLC

Dear Ms. Clark,

Pursuant to PURA Section 35.032(a)(2), please find enclosed ten copies of the Callahan Wind Divide, LLC's Notice of Self-Certification of Exempt Wholesale Generator Status filed with the Federal Energy Regulatory Commission.

If you have any question, please do not hesitate to contact me at (512) 236-3141 or by email at Tracy.C.Davis@nexteraenergy.com.

Sincerely,

A handwritten signature in cursive script that reads "Tracy Davis".

Tracy C. Davis
Senior Attorney

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Playa Solar 1, LLC	EG17-71-000
Playa Solar 2, LLC	EG17-72-000
Midway Solar, LLC	EG17-73-000
Radford's Run Wind Farm, LLC	EG17-74-000
Bruenning's Breeze Wind Farm, LLC	EG17-75-000
Techren Solar, LLC	EG17-76-000
Sweetwater Solar, LLC	EG17-77-000
83WI 8me, LLC	EG17-78-000
Gulf Coast Solar Center I, LLC	EG17-79-000
Gulf Coast Solar Center II, LLC	EG17-80-000
Gulf Coast Solar Center III, LLC	EG17-81-000
PPA Grand Johanna LLC	EG17-82-000
Willow Springs Windfarm, LLC	EG17-83-000
Midlothian Energy, LLC	EG17-84-000
Hays Energy, LLC	EG17-85-000
Coleto Creek Power, LP	EG17-86-000
Callahan Wind Divide, LLC	EG17-87-000
Horse Hollow Wind I, LLC	EG17-88-000
Red Pine Wind Project, LLC	EG17-89-000

NOTICE OF EFFECTIVENESS OF EXEMPT WHOLESALE
GENERATOR STATUS

(June 14, 2017)

Take notice that during the month of May 2017, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 C.F.R. § 366.7(a) (2016).

Nathaniel J. Davis, Sr.,
Deputy Secretary

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

Callahan Wind Divide, LLC

)

Docket No. EG17-87-000

**NOTICE OF SELF-CERTIFICATION OF
EXEMPT WHOLESALE GENERATOR STATUS OF
CALLAHAN WIND DIVIDE, LLC**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”), enacted pursuant to the Energy Policy Act of 2005, §§ 1261-77, Pub. L. No. 109-58, 119 Stat. 594 (2005), and Section 366.7, 18 C.F.R. § 366.7 (2015) of the regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”), Callahan Wind Divide, LLC, a Delaware limited liability company (“Applicant” or “Callahan Wind”), hereby submits this notice of self-certification (“Notice”) of its status as an exempt wholesale generator (“EWG”), as defined in Section 366.1 of the Commission’s rules, 18 C.F.R. § 366.1 (2016). In support of this Notice, Applicant hereby states as follows:

I. Principal Office of Applicant

The principal office of Applicant is set forth below:

Callahan Wind Divide, LLC
700 Universe Blvd.
Juno Beach, FL 33408-0420

II. Communications

All communications regarding this Application should be provided to:

Joel D. Newton
Senior Attorney
NextEra Energy Resources, LLC
801 Pennsylvania Ave., N.W., Ste. 220
Washington, D.C. 20004
(202) 347-7126
joel.newton@nee.com

III. Description of Applicant and Facility

Applicant is a wholly-owned direct subsidiary of Topaz Wind, LLC (“Topaz Wind”), a Delaware limited liability company. Topaz Wind is owned by Topaz Wind Portfolio, LLC (“Topaz Portfolio”), a Delaware limited liability company, which holds a 95% ownership interest, and Topaz Wind Class A Holdings, LLC (“Topaz Class A”), a Delaware limited liability company, which holds a 5% ownership interest, and Topaz Class A in turn is a wholly-owned subsidiary of Topaz Wind Holdings, LLC (“Topaz Holdings”), a Delaware limited liability company. Each of Topaz Portfolio and Topaz Holdings is a wholly-owned direct subsidiary of Topaz Wind Funding, LLC, a Delaware limited liability company, which in turn is a wholly-owned direct subsidiary of ESI Energy, LLC (“ESI Energy”), a Delaware limited liability company. ESI Energy is a wholly-owned direct subsidiary of NextEra Energy Resources, LLC (“NextEra Resources”), a Delaware limited liability company. NextEra Resources is a wholly-owned direct subsidiary of NextEra Energy Capital Holdings, Inc., a Florida corporation, which in turn is a wholly-owned direct subsidiary of NextEra Energy, Inc., a Florida corporation publicly traded on the New York Stock Exchange.

Callahan Wind will own a wind generation facility and associated interconnection facilities (the “Facility”), which has the capability to produce up to approximately 114 MW. The Facility is located in Taylor County, Texas, is interconnected with (i) AEP Texas North Company (“AEP North”) and Lower Colorado River Authority (“LCRA”) through Horse Hollow Generation Tie, LLC’s radial interconnection to LCRA,¹ and operates within the Electric Reliability Council of Texas balancing authority area. The Facility, which is in operation, is currently owned by Callahan Wind’s affiliate, Callahan Wind, LLC (f/k/a FPL Energy Callahan

¹ The Facility is operated such that it is interconnected to AEP North or indirectly to LCRA at any given time, but not simultaneously.

Wind, LP ²), which is transferring its interests in the Facility to Callahan Wind as part of a contemplated tax equity transaction.

Applicant neither owns nor controls transmission, other than certain interconnecting transmission facilities necessary to permit the Facility to engage in sales at wholesale. With respect to physical energy commodities, Applicant may engage in wholesale sales of electric energy, capacity, and ancillary services at market-based rates sales.

In connection with operating the Facility, Applicant also may engage in the following incidental activities that the Commission has found permissible EWG activities:

- Trade emission allowances consistent with the Commission's limitation that an EWG may engage in such trading so long as the emission allowances were originally obtained in the normal course of operating the Facility.³
- Sell "green" power certificates or credits consistent with the Commission's limitation that an EWG may sell such certificates or credits where they are associated with power produced by the Facility.⁴
- Engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

IV. Representations Regarding Exempt Wholesale Generator Status

Consistent with Section 366.1 of the Commission's regulations, Applicant makes the following representations in order to certify that it satisfies the requirements for EWG status:

1. Applicant represents that it will be engaged directly and exclusively in the business of owning and operating the Facility and selling electric energy at wholesale. Consistent with the Commission's EWG precedent, the associated activities described in Part III above are incidental to the wholesale generation business and will not violate the EWG

² See *Notice of Effectiveness of Exempt Wholesale Generator Status of FPL Energy Callahan Wind LP, LLC* Docket No. EG05-11-000, issued (Nov. 24, 2004).

³ See *UGI Development Co.*, 89 FERC ¶ 61,192 (1999).

⁴ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

exclusivity requirement. The Facility, as described above, will satisfy the definition of Eligible Facilities as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 and as incorporated by reference in 18 C.F.R. § 366.1, because it will be used for the generation of electric energy exclusively for sale at wholesale.

2. The Facility includes no transmission or distribution facilities other than those interconnecting transmission facilities necessary to permit the Facility to engage in sales at wholesale.

3. Applicant will not make sales of power at retail.

4. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility, was in effect under the laws of any State on October 24, 1992. As such, no determination or certification by a state commission is necessary prior to certification of the Facility as an EWG.

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 that is not itself an EWG, as defined in Section 366.1 of the Commission’s regulations.

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

V. **Conclusion**

Based upon the foregoing, Applicant respectfully requests that the Commission accept its notice of self-certification of EWG status.

Respectfully submitted,

/s/ Joel D. Newton

Joel D. Newton
Senior Attorney
NextEra Energy Resources, LLC
801 Pennsylvania Ave., N.W.
Suite 220
Washington, D.C. 20004
(202) 347-7126

Counsel for Callahan Wind Divide, LLC

Dated: March 31, 2017

CERTIFICATE OF SERVICE

I, Joel D. Newton, hereby certify that I have this day caused the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Callahan Wind Divide, LLC to be served by first-class mail upon the Florida Public Service Commission and the Public Utility Commission of Texas.

Dated at Washington, D.C. this 31st day of March, 2017.

/s/ Joel D. Newton

Joel D. Newton
NextEra Energy Resources, LLC
801 Pennsylvania Ave., N.W.
Suite 220
Washington, D.C. 20004