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UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

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PUBLIC UTILITY COMMISSION  
FILING CLERK

Foard City Wind, LLC

Docket No. EG18-\_\_\_\_-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 Commission's regulations,<sup>2</sup> Foard City Wind, LLC ("Foard City") submits this Notice of Self-Certification of Exempt Wholesale Generator ("EWG") Status ("Notice"), as defined in Section 366.1 of the Commission's regulations,<sup>3</sup>

**I. COMMUNICATIONS**

All correspondence and communications regarding this Notice should be addressed and directed to the following persons:

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Persons noted with an asterisk (\*) are designated for service and should be included on the official service list in this proceeding.<sup>4</sup>

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

<sup>2</sup> 18 C.F.R. § 366.7 (2018).

<sup>3</sup> 18 C.F.R. § 366.1.

<sup>4</sup> Foard City respectfully requests waiver of Section 385.203(b)(3) of the Commission's regulations, 18 C.F.R. § 385.203(b)(3) in order to permit designation of all such persons for service in this proceeding.

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## **II. DESCRIPTION OF FOARD CITY WIND**

Foard City, a Delaware limited liability company and a direct, wholly owned subsidiary of Foard City Holdings, LLC, will own and operate a 352.8 MW capacity wind-powered electric generation facility near Crowell, Texas (“Generating Facility”). The Generating Facility will be interconnected with the transmission system operated by the Electric Reliability Council of Texas (“ERCOT”).

## **III. REPRESENTATIONS**

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>5</sup> Consistent with the Commission’s regulations, Foard City makes the following representations to certify that it will satisfy the requirements for EWG status:

1. Foard City is a Delaware limited liability company that will own and operate the Generating Facility.
2. Foard City will be engaged directly and exclusively in the business of owning and operating one or more eligible facilities as defined in Section 32(a)(2) of PUHCA 1935 and selling electric energy at wholesale.
3. Foard City will not own any transmission facilities other than those interconnection facilities that are necessary to effect the wholesale sale of electric energy from the Generating Facility.

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<sup>5</sup> 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.

4. Foard City will not sell electricity at retail to any customer. Accordingly, the Generating Facility does not rely on the exception provided by Section 32(b) of PUHCA 1935 regarding foreign sales of power at retail.
5. The Generating Facility will be an eligible facility as defined in section 32(a)(2) of the PUHCA 1935.
6. There are no lease arrangements through which Foard City will lease the Generating Facility to a public utility company or any other party.
7. No portion of the Generating Facility will be owned or operated by an electric utility company that is an "affiliate" or an "associate company" of, Foard City, as those terms are defined in PUHCA 2005.
8. No rate or charge for, or in connection with, the construction of the Generating Facility, or for electric energy produced by the Generating Facility, was in effect under the law of any state on October 24, 1992. As such, no determination or certification by any state commission is necessary prior to certification of Foard City as an EWG.
9. Concurrently with the filing of this Notice with the Commission, Foard City is serving a copy of this Notice with the Public Utility Commission of Texas, which is the state regulatory authority of the state in which the Generating Facility is located.

#### IV. CONCLUSION

Wherefore, based on the facts, representations and statements above, Foard City requests that the Commission accept this Notice of its EWG status.

Respectfully submitted,

/s/ Natasha Gianvecchio

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June 14, 2018