



Control Number: 14406



Item Number: 770

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Refer To File #. 503442-001

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FEDERAL UTILITY COMMISSION
FILING CLERK

May 22, 2019

Public Utility Commission of Texas
P.O. Box 13326
Austin, TX 78711-3326

Re: PUC Docket No. ~~49419~~ 14406

Dear Sir/Madam:

Enclosed, please find a Notice of Self-Certification of Exempt Wholesale Generator Status for Canadian Breaks LLC ("Notice"). This Notice was filed on May 17, 2019 before the Federal Energy Regulatory Commission ("FERC") and is being filed in this PUC Docket No. 49419 in accordance with the requirements of Section 366.7(a) of the Commission's Regulations (18 C.F.R. 366.7(a)(2017)).

Sincerely,

Rebecca Hays Barho
Nossaman LLP

RHB:ap
Enclosure

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14406

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

Canadian Breaks LLC

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Docket No. EG19-____-000

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”),¹ as enacted in the Energy Policy Act of 2005² and Section 366.7 of Federal Energy Regulatory Commission (“Commission”) regulations,³ Canadian Breaks LLC (“Canadian Breaks”) hereby submits this Notice of Self-Certification (“Notice”) that it is an exempt wholesale generator (“EWG”) as defined in Section 366.1 of the Commission’s regulations.⁴

I. CORRESPONDENCE AND COMMUNICATIONS

Please direct all correspondence and communications regarding this Notice to the individuals indicated below, who are authorized to receive service:

Kaushik Ramakrishnan
Canadian Breaks LLC
c/o Northleaf Capital Partners (Canada) Ltd.
79 Wellington St W
6th Floor, Box 120
Toronto, ON
Canada
M5K 1N9
Tel: (647) 789-6735
Fax: (416) 304-0195

Rebecca D. Barho
Nossaman LLP
816 Congress Ave., Suite 970
Austin, Texas 78701
Tel: (512) 813-7942
Fax: (512) 651-0670

Canadian Breaks requests that the foregoing persons be placed on the official service list for this proceeding.

¹ 42 U.S.C. § 16451 *et seq.*

² Pub. L. No. 109-58, 119 Stat. 594 (2005).

³ 18 C.F.R. § 366.7.

⁴ 18 C.F.R. § 366.1.

II. DESCRIPTION OF THE COMPANY AND THE FACILITY

Canadian Breaks is a Delaware limited liability company that has been formed to develop, own, and operate a wind-powered electric generation facility of up to 210.1 megawatt (“MW”) capacity wind-powered electric generation facility in Deaf Smith and Oldham Counties, Texas (“Eligible Facility”) and related assets. The Eligible Facility will be comprised of wind turbine generators and associated facilities and equipment necessary for the generation of power at wholesale. The Eligible Facility will also include electric interconnection facilities necessary to effectuate Canadian Breaks’ wholesale power sales therefrom. The Eligible Facility will be interconnected with the transmission system operated by the Electric Reliability Council of Texas (“ERCOT”). The Eligible Facility is estimated to begin generating electricity in the third quarter of 2019.

III. REPRESENTATIONS

Pursuant to 366.1 of the Commission’s regulations,⁵ Canadian Breaks make the following representations in support of its notice of self-certification EWG status:

1. Canadian Breaks will be engaged directly and exclusively in the business of owning and operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

2. The Canadian Breaks wind project is an “eligible facility” because (i) it will be used for the generation of electric energy exclusively for sale at wholesale; and (ii) it includes only those interconnecting transmission facilities that are necessary to effect a sale of electric energy to wholesale.

3. Canadian Breaks may engage in activities the Commission has previously determined to be “incidental” to an EWG’s primary business of owning and operating eligible facilities and selling electric energy exclusively at wholesale, including:

- a. trading emissions allowances obtained in the normal course of operating the Eligible Facility;⁶

⁵ 18 C.F.R. § 366.1.

- b. sale of “green” power certificates or credits associated with power produced by the Eligible Facility;⁷
- c. wholesale power marketing and brokering of electric energy that Canadian Breaks has not generated;⁸ and
- d. purchase and sale of congestion revenue rights needed for the Eligible Facility.⁹

4. No rate or charge for, in connection with, the construction of the Eligible Facility, or for electric energy produced by the Eligible Facility, was in effect under the laws of the State of Texas, or any other State, on October 24, 1992. Therefore, no determinations are required to be made by any state commission prior to this self-certification of EWG status becoming effective.

5. No portion of the Eligible Facility is owned or operated by an electric utility company that is an affiliate or associate company of Canadian Breaks, as defined in Section 366.1 of the Commission’s regulations.¹⁰

6. Canadian Breaks will notify the Commission of any material change in facts that may affect its eligibility for EWG status in accordance with the procedures set forth in the Commission’s regulations at Section 366.7(c).

IV. SERVICE

As required by Section 366.7(a) of the Commission’s regulations, Canadian Breaks has mailed, on this day, a copy of this Notice to the Public Utility Commission of Texas, the state regulatory authority in the state in which the Eligible Facility is located.

⁶ See *UGI Dev. Co.*, 89 FERC ¶ 61,192 (1999).

⁷ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 at 61,871 (2000).

⁸ See, e.g., *Entergy Power Mktg. Corp.*, 73 FERC ¶ 61,063 (1995) and *LG&E Power Mktg., Inc.*, 67 FERC ¶ 61,083 (1994).

⁹ See *Duquesne Power, LP*, 106 FERC ¶ 61,104 (2004).

¹⁰ 18 C.F.R. § 366.1.

V. CONCLUSION

For the reasons set forth in this Notice, Canadian Breaks satisfies the requirements for EWG status.

Respectfully submitted,

/s/ Rebecca D. Barho

Rebecca D. Barho

Nossaman LLP

816 Congress Ave., Suite 970

Austin, Texas 78701

Tel: 512.813.7942

Email: rbarho@nossaman.com

Counsel for NCP Canadian Breaks Holdings LLC

May 17, 2019

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, caused the foregoing document to be served by first-class mail, postage pre-paid, upon the following:

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

/s/ Rebecca D. Barho

Rebecca D. Barho
Nossaman LLP
816 Congress Ave., Suite 970
Austin, Texas 78701
Tel: 512.813.7942
Email: rbarho@nossaman.com

Counsel for NCP Canadian Breaks Holdings LLC

Dated: May 17, 2019.

Document Content(s)

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BEFORE THE
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Respectfully submitted,

/s/ Rebecca D. Barho

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Austin, Texas 78701

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Email: rbarho@nossaman.com

Counsel for NCP Canadian Breaks Holdings LLC

May 17, 2019

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/s/ Rebecca D. Barho

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Counsel for NCP Canadian Breaks Holdings LLC

Dated: May 17, 2019.

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