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Attorney

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January 17, 2019

**VIA Courier**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue, Suite 8-100  
Austin, Texas 78701

Re: PUC Project No. 14406: *La Chalupa, LLC, Exempt Wholesale Generator Status --*  
*FERC Docket No. EG20-65-000*

Dear Filing Clerk:

Please find enclosed a filed Notice of Self-Certification of Exempt Wholesale Generator Status for La Chalupa, LLC. A copy of this filing was filed on January 16, 2020 before the Federal Energy Regulatory Commission (FERC) and is being filed in this docket (PUC Docket No. 14406) per the requirements of Section 366.7(a) of the Commission's Regulations (18 C.F.R. § 366.7(a)(2017)) and 16 Tex. Admin. Code § 25.109 (Attachment A). This filing has been accepted by FERC as demonstrated in Attachment B.

Best regards,



Maria Faconti  
Attorney

Enclosures  
Cc: La Chalupa, LLC

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

La Chalupa, LLC

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Docket No. EG20-\_\_\_\_-000

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

Pursuant to the Public Utility Holding Company Act of 2005<sup>1</sup> and Section 366.7 of the regulations of the Federal Energy Regulatory Commission ("Commission"),<sup>2</sup> La Chalupa, LLC ("Company") hereby submits this notice of self-certification ("Notice") as an exempt wholesale generator ("EWG"), 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:<sup>4</sup>

Mr. John Taylor  
General Counsel and Vice President  
Acciona Energy USA Global LLC  
55 East Monroe Street, Suite 1925  
Chicago, IL 60603  
Tel: (312) 673-3010  
jtaylor@acciona.com

Adam Wenner  
A. Cory Lankford  
Orrick, Herrington & Sutcliffe LLP  
1152 15th Street, N.W.  
Washington, DC 20005  
Tel: (202) 339-8515  
Fax: (202) 339-8500  
awenner@orrick.com  
clankford@orrick.com

**II. DESCRIPTION OF THE COMPANY**

The Company is a Delaware limited liability company that is constructing and will own and operate an approximately 198.45 MW (nameplate) wind power generating facility located in

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<sup>1</sup> Pub. L. No. 109-58, §§ 1261-1277, 119 Stat. 594, 972-78 (2005).

<sup>2</sup> 18 C.F.R. § 366.7 (2019).

<sup>3</sup> *Id.* § 366.1.

<sup>4</sup> The Company requests waiver of Rule 203(b)(3), 18 C.F.R. § 385.203(b)(3), so that a copy of any communications in this proceeding may be served on all persons listed above.

Cameron County, Texas (the “Facility”). The Facility will be interconnected with the transmission system owned by AEP Texas Inc. and operated by the Electric Reliability Council of Texas, Inc. The Facility will be comprised of wind turbines and associated facilities and equipment necessary to generate and sell power at wholesale. The Facility will include electric interconnection facilities necessary to effectuate the Company’s wholesale power sales from the Facility. The Company will own and operate the Facility and sell all of its output exclusively at wholesale. It is anticipated that the Facility will achieve commercial operation in November 2020.

### **III. REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS**

1. The Company is engaged directly, or indirectly through one or more affiliates as defined in Section 366.1 of the Commission’s regulations, 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.<sup>5</sup>
2. The Facility is an “eligible facility” because (i) it is 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 at wholesale.
3. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility (other than any portion of a rate or charge which represents recovery of the cost of a wholesale rate or charge), was in effect

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<sup>5</sup> Consistent with Commission precedent, the Company may engage in one or more activities that are incidental to the sale of electric energy from an eligible facility. For example, the Company may engage in the sale of ancillary services as a by-product that is incidental to the wholesale sales of electric energy from the Facility, as permitted by the Commission in *Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998). In addition, the Company may engage in the sale of renewable energy credits (“RECs”) associated with the electricity produced by the Facility. See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

under the laws of any state on October 24, 1992. Therefore, no determinations by a state commission are necessary for this self-certification to become effective.

4. No portion of the Facility is owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of the Company, as defined in Section 366.1 of the Commission’s regulations, other than an affiliate or associate company that is an EWG.

#### **IV. STATE COMMISSION NOTIFICATION**

As required by Section 366.7(a) of the Commission’s regulations, concurrently with the filing of this Notice with the Commission, the Company is serving a copy of this Notice to the Public Utility Commission of Texas, the state regulatory authority of the state in which the Facility is located.

#### **V. CONCLUSION**

Based on the foregoing facts and representations, the Company respectfully requests that the Commission accept this notice of self-certification of EWG status.

Respectfully submitted,

/s/ Adam Wenner  
Adam Wenner  
A. Cory Lankford  
Orrick, Herrington & Sutcliffe LLP  
1152 15th Street, N.W.  
Washington, DC 20005

*Counsel for La Chalupa, LLC*

January 16, 2020

**Faconti, Maria**

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**From:** eFiling@ferc.gov  
**Sent:** Thursday, January 16, 2020 11:45 AM  
**To:** Harnden, Jeanna M.; eFilingAcceptance@ferc.gov  
**Subject:** FERC Acceptance for Filing in EG20-65-000

**Acceptance for Filing**  
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The FERC Office of the Secretary has accepted the following electronic submission for filing (Acceptance for filing does not constitute approval of any application or self-certifying notice):

-Accession No.: 202001165048  
-Docket(s) No.: EG20-65-000  
-Filed By: La Chalupa, LLC  
-Signed By: Adam Wenner  
-Filing Type: Exempt Wholesale Generator Request -Filing Desc: Notice of Self-Certification of Exempt Wholesale Generator Status of La Chalupa, LLC under EG20-65.  
-Submission Date/Time: 1/16/2020 11:06:59 AM -Filed Date: 1/16/2020 11:06:59 AM

Your submission is now part of the record for the above Docket(s) and available in FERC's eLibrary system at:

[http://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20200116-5048](http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20200116-5048)

If you would like to receive e-mail notification when additional documents are added to the above docket(s), you can eSubscribe by docket at:

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