



Control Number: 14406



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April 17, 2020

VIA ELECTRONIC FILING

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

Re: PUC Project No. 14406: *Briar Creek Solar 1, LLC, Exempt Wholesale Generator Status - FERC Docket No. EG20-115-000*

Dear Sir or Madam:

Please find enclosed a filed Notice of Self-Certificate of Exempt Wholesale Generator Status for Briar Creek Solar 1, LLC. A copy of this filing was filed on April 16, 2020 before the Federal Energy Regulatory Commission (FERC) (Attachment A) and is being filed in this docket (PUC Project No. 14406) per the requirements of Section 366.7(a) of the Commission's Regulations (18 C.F.R. § 366.7(a)) and 16 Tex. Admin. Code § 25.109. On April 16, 2020 FERC notified Briar Creek Solar 1, LLC that it had accepted for filing the electronic submission of the Notice of Self-Certification of Exempt Wholesale Generator Status. A copy of this notice is also attached (Attachment B).

Sincerely,

Maria C. Faconti
Attorney

Enclosures
Cc: Briar Creek Solar 1, LLC

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

Briar Creek Solar 1, LLC

)

Docket No. EG20-__-000

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

Pursuant to Section 366.7(a) of the Federal Energy Regulatory Commission's (Commission) regulations,¹ Briar Creek Solar 1, LLC (Company) 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.² In support of this notice, the Company states as follows:

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this notice should be sent to the following persons who are authorized to receive service:

David Revelt	Linda Walsh
Briar Creek Solar 1, LLC	Sylvia Bartell
400 Montgomery St., 8th Floor	HUSCH BLACKWELL LLP
San Francisco, CA 94104	750 17th Street NW, Suite 900
(310) 806-3296	Washington, DC 20006
legalnoticesus@lightsourcebp.com	(202) 378-2308
	Linda.Walsh@huschblackwell.com
	Sylvia.Bartell@huschblackwell.com

II. DESCRIPTION OF THE COMPANY

The Company is a Delaware limited liability company that has been formed to develop, own, and operate an approximately 127 MWac nameplate capacity solar-powered electric generation facility (the Facility) that will be located in Navarro County, Texas. The Facility is currently expected to achieve commercial operation in the 4th quarter of 2021. The Facility will

¹ 18 C.F.R. § 366.7(a).

² *Id.* at § 366.1.

be comprised of photovoltaic panels and associated structures, facilities, and equipment necessary for the generation of power at wholesale. The facility will also include electric interconnection facilities necessary to effectuate the Company's wholesale power sales from the Facility. The Facility will be interconnected with the transmission system owned by Oncor Electric Delivery Company within the Electric Reliability Council of Texas, Inc. (ERCOT) balancing authority area (BAA). All of the Facility's output will be sold at wholesale within the ERCOT BAA.

The Company will be an indirect subsidiary of Lightsource Renewable Energy US, LLC. Lightsource Renewable Energy US, LLC is a renewable energy company focused on developing, owning, and operating solar energy projects.

III. REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

Any entity may self-certify its status as an EWG by demonstrating that it satisfies the definition of an EWG.³ Consistent with the Commission's regulations, the Company makes the following representations to certify that it satisfies the criteria for EWG status:

1. The Company is 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.⁴

³ *Id.* at § 366.7(a).

⁴ Consistent with Commission precedent, the Company may engage in certain other activities incidental to the wholesale sale of electricity from the Facility, including the sale of ancillary services (*see, e.g., Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998)); the sale of renewable energy credits (*see, e.g., Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000)); and other activities associated with the development of eligible facilities and/or EWGs, including project design review and development, application for permits and/or regulatory approvals, negotiation of agreements to sell electricity at wholesale, negotiation of contractual commitments with lenders and equity investors, and other such activities as may be required to achieve financial closing on an eligible facility and/or EWG (*see, e.g., Southern Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994)).

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 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.

IV. STATE COMMISSION NOTIFICATION

As required by Section 366.7(a) of the Commission’s regulations, a copy of this self-certification has been filed with the Public Utility Commission of Texas, the state commission of the state in which the Facility is located.

V. CONCLUSION

For the reasons set forth in this notice of self-certification, the Company satisfies the requirements for EWG status.

Respectfully submitted,

/s/ Linda Walsh

Linda Walsh
Sylvia Bartell
HUSCH BLACKWELL LLP

Counsel for Briar Creek Solar 1, LLC

Dated: April 16, 2020

Document Content(s)

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Bartell, Sylvia

From: eFiling@ferc.gov
Sent: Thursday, April 16, 2020 1:18 PM
To: Bartell, Sylvia; eFilingAcceptance@ferc.gov
Subject: FERC Acceptance for Filing in EG20-115-000

[EXTERNAL EMAIL]

Acceptance for Filing

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.: 202004165092
-Docket(s) No.: EG20-115-000
-Filed By: Briar Creek Solar 1, LLC
-Signed By: Linda Walsh
-Filing Type: Exempt Wholesale Generator Request -Filing Desc: Briar Creek Solar 1, LLC - Notice of Self-Certification of EWG Status EG20-115.
-Submission Date/Time: 4/16/2020 12:53:55 PM -Filed Date: 4/16/2020 12:53:55 PM

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=20200416-5092

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:

<https://ferconline.ferc.gov/eSubscription.aspx>

Thank you again for using the FERC Electronic Filing System. If you need to contact us for any reason:

E-Mail: efiling@ferc.gov <mailto:efiling@ferc.gov> (do not send filings to this address) Voice Mail: 202-502-8258.