



Control Number: 14406



Item Number: 881

Addendum StartPage: 0

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

RECEIVED

2021 FEB -1 AM 9:53

PUBLIC UTILITY COMMISSION  
FILING CLERK  
Docket No. EG21-000

BRP Alvin BESS LLC

)  
)  
)

NOTICE OF SELF-CERTIFICATION OF  
EXEMPT WHOLESALE GENERATOR STATUS

14406

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> BRP Alvin BESS 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>

Sally Shaw  
Executive Vice President and  
General Counsel  
Broad Reach Power LLC  
5444 Westheimer Road, Suite 1000  
Houston, TX 77056  
Tel: (713) 962-3719  
legal@broadreachpower.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 has constructed and owns and operates a 9.95 MW (nameplate) battery power generating facility located in Brazoria County,

<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 (2020).

<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.

581

Texas (the “Facility”). The Facility is interconnected with the transmission system owned by Texas-New Mexico Power Company and operated by the Electric Reliability Council of Texas, Inc. The Facility is comprised of battery storage and associated facilities and equipment necessary to generate and sell power at wholesale. The Facility includes electric interconnection facilities necessary to effectuate the Company’s wholesale power sales from the Facility. The Company owns and operates the Facility and sells all of its output exclusively at wholesale. The Facility achieved commercial operation on October 26, 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 under the laws of any state on October 24, 1992. Therefore, no

---

<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).

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 BRP Alvin BESS LLC*

January 29, 2021