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May 17, 2022

Via Electronic Filing

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

Re: PUCT Project No. 14406: *Shakes Solar, LLC, Exempt Wholesale Generator Status, FERC Docket No. EG22-123*

Dear Filing Clerk:

Please find enclosed a Notice of Self-Certification of Exempt Wholesale Generator Status of Shakes Solar, LLC. A copy of this document was filed today, May 17, 2022, with the Federal Energy Regulatory Commission ("FERC") in FERC Docket No. EG22-123. This document is being filed in PUCT Project No. 14406 pursuant to Section 366.7(a) of FERC's regulations¹ and 16 Tex. Admin. Code § 25.109.

Sincerely,

/s/ Brooksany Barrowes
Brooksany Barrowes
Drew Stuyvenberg
Cassidy Hall

Counsel for Shakes Solar, LLC

Enclosure

¹ 18 C.F.R. § 366.7(a) (2022).

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

Shakes Solar, LLC

)

Docket No. EG22-__-000

**NOTICE OF SELF-CERTIFICATION OF
EXEMPT WHOLESALE GENERATOR STATUS OF
SHAKES SOLAR, LLC**

Pursuant to the Public Utility Holding Company Act of 2005¹ and Section 366.7² of the regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), Shakes Solar, LLC (“Applicant”), hereby submits this notice of self-certification (“Notice”) of its status as an exempt wholesale generator (“EWG”), as defined in Section 366.1 of the Commission’s rules.³ In support of this Notice, Applicant hereby states as follows:

I. Principal Office of Applicant

The principal office of Applicant is set forth below:

Shakes Solar, LLC
3402 Pico Boulevard
Santa Monica, CA 90405

II. Communications

All communications and correspondence regarding this Notice should be addressed and directed to the following persons:⁴

¹ 42 U.S.C. §§ 16451-16463 (2018); Pub. L. No. 109-58, §§ 1261-77, 119 Stat. 594, 972-78 (2005).

² 18 C.F.R. § 366.7 (2022).

³ 18 C.F.R. § 366.1.

⁴ Persons denoted with an asterisk are those designated for service pursuant to Section 385.2010 of the Commission’s regulations. 18 C.F.R. § 385.2010. Applicant respectfully requests waiver of Rule 203(b)(3), so that more than two persons may be included on Applicant’s service list. 18 C.F.R. § 385.203(b)(3).

Shakes Solar, LLC
c/o Cypress Creek Renewables, LLC
Attention: General Counsel
3402 Pico Boulevard
Santa Monica, CA 90405
legal@ccrenew.com

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III. Description of Applicant and Facility

Applicant is a Texas limited liability company that will be engaged in the business of owning and operating an approximately 270-MW (nameplate, direct current) solar photovoltaic electric power generating facility and associated interconnection facilities in Dimmit County, Texas (the “Facility”) that is not yet operational. The Facility will be interconnected to the transmission system of AEP Texas Inc. (“AEP”), in the Electric Reliability Council of Texas, Inc. region. Applicant and Axpo U.S. LLC are parties to a 10-year ISDA 2002 Master Agreement and transaction confirmation, effective as of September 15, 2021, for sale of a portion of the electric energy output of the Facility. The Facility does not include (and Applicant does not own, operate, or control) any transmission facilities other than the limited and discrete interconnection facilities needed to connect the Facility to the AEP transmission system. Applicant expects the Facility to begin generating test energy on or about June 17, 2022, and to achieve commercial operation in October of 2022.

In connection with owning and operating the Facility, Applicant also may engage in the following incidental activities that the Commission has found permissible EWG activities:

- Trade emission allowances consistent with the Commission's limitation that an EWG may engage in such trading so long as the emission allowances were originally obtained in the normal course of operating the Facility;⁵
- Sell "green" power certificates or credits consistent with the Commission's limitation that an EWG may sell such certificates or credits where they are associated with power produced by the Facility;⁶ and
- Engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

IV. Representations Regarding Exempt Wholesale Generator Status

Consistent with Section 366.1 of the Commission's regulations, Applicant makes the following representations in order to certify that it satisfies the requirements for EWG status:

1. Applicant represents that it will be engaged directly and exclusively in the business of owning and operating the Facility, and the Facility will be used exclusively for generating and selling electric energy at wholesale. Consistent with the Commission's EWG precedent, the associated activities described in Part III above are incidental to the wholesale generation business and will not violate the EWG exclusivity requirement. The Facility, as described above, satisfies the definition of Eligible Facilities as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 and as incorporated by reference in 18 C.F.R. § 366.1, because it will be used for the generation of electric energy exclusively for sale at wholesale once it becomes operational.

2. The Facility includes no transmission or distribution facilities other than certain limited interconnection facilities necessary to permit the Facility to engage in sales at wholesale.

3. Applicant will not make sales of power at retail.

⁵ See *UGI Development Co.*, 89 FERC ¶ 61,192 (1999).

⁶ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

4. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility, was in effect under the laws of any State on October 24, 1992. As such, no determination or certification by a state commission is necessary prior to certification of the Facility as an EWG.

5. No portion of the Facility will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Applicant that is not itself an EWG, as defined in Section 366.1 of the Commission’s regulations.

6. There are no leasing arrangements involving the Facility and any “public-utility company” or any affiliate or associate company of any “public-utility company,” as defined in Section 366.1 of the Commission’s regulations.

V. Service

Pursuant to Section 366.7(a) of the Commission’s regulations,⁷ Applicant is concurrently serving a copy of this Notice on the Public Utility Commission of Texas, the state regulatory authority of the state in which the Facility is located.

VI. Conclusion

Based upon the foregoing, Applicant respectfully requests that the Commission accept its notice of self-certification of EWG status.

⁷ 18 C.F.R. § 366.7(a).

Respectfully submitted,

/s/ Brooksany Barrowes

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Dated: May 17, 2022