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June 2, 2022

VIA ELECTRONIC FILING

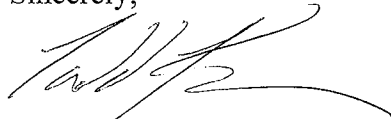
Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue, Suite 8-100
Austin, Texas 78701

Re: PUC Project No. 14406: Wolf Tank Storage LLC, Exempt Wholesale Generator Status, FERC
Docket No. EG22-109-000

Dear Filing Clerk:

Please find enclosed a Notice of Self-Certification of Exempt Wholesale Generator Status for Wolf Tank Storage LLC. A copy of this document was filed on June 1, 2022, with the Federal Energy Regulatory Commission ("FERC"). This document is being filed in PUC Project No. 14406 per the requirements of Section 366.7(a) of the FERC's Regulations (18 C.F.R. § 366.7(a)) and 16 Tex. Admin. Code § 25.109. On June 1, 2022, FERC notified Wolf Tank Storage 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.

Sincerely,



Todd F. Kimbrough

Enclosures

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

Wolf Tank Storage LLC

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Docket No. EG22-____-000

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”),¹ and section 366.7(a) of the regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”),² Wolf Tank Storage LLC (“Applicant” or “Wolf Tank”) hereby submits this notice of self-certification of its status as an exempt wholesale generator (“EWG”), as defined in section 366.1 of the Commission’s regulations.³

In support of this Notice, Wolf Tank states as follows:

I. COMMUNICATIONS

All correspondence and pleadings relating to this Notice should be addressed to the following individuals and such individuals should be placed on the Commission’s official service list on behalf of Applicant:

Wolf Tank Storage LLC
Attn: General Counsel
11801 Domain Blvd., Suite 450
Austin, TX 78758
Telephone: 416-779-6681
Email: legal@aypa.com

William M. Rappolt
Sheppard, Mullin, Richter & Hampton LLP
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¹ Pub. L. No. 109-58, §§ 1266-77, 119 Stat. 594, 972-78 (Aug. 8, 2005).

² 18 C.F.R § 366.7(a) (2021).

³ *Id.* § 366.1.

II. DESCRIPTION OF APPLICANT

Wolf Tank is a Delaware limited liability company with a principal place of business at 11801 Domain Blvd., Suite 450, Austin, TX 78758. Wolf Tank will own and operate the Wolf Tank project (the “Project”), an approximately 150 MW/150 MWh battery energy storage facility under development in Webb County, Texas, and engage in other lawful business activities consistent with EWG status.

Wolf Tank is currently a wholly-owned direct subsidiary of Cedar Holdco LLC (“Cedar”). Cedar is a Delaware limited liability company, which is a wholly-owned direct subsidiary of Aypa Power Development LLC (“Development”). Development is a Delaware limited liability company, which is a wholly-owned direct subsidiary of Aypa Power Holdings GP LLC (“Holdings”).

III. DESCRIPTION OF THE PROJECT

The Project is an approximately 150 MW/150 MWh battery energy storage facility under development in Webb County, Texas. Applicant is not currently engaged in any business activities other than those associated with the development, financing, construction, ownership, and future operation of the Project. The Project will be interconnected with the transmission system owned by the Electric Transmission Texas (“ETT”) and operated by the Electric Reliability Council of Texas, Inc. (“ERCOT”). It will consist of battery storage and associated facilities and equipment necessary to charge and discharge and sell power at exclusively at wholesale. The Project includes electric interconnection facilities necessary to effectuate Wolf Tank’s wholesale power sales from the Project.

In connection with owning and operating the Project, the Applicant may from time to time engage in certain incidental services and activities which the Commission has previously found

permissible for EWGs, including: facility development activities;⁴ wholesale power marketing;⁵ sale of ancillary services;⁶ and any other activity that the Commission has determined, or may in the future determine, to be within the permitted activities of an EWG.

IV. REPRESENTATIONS REGARDING EWG STATUS

The Commission's regulations require that an EWG be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating one or more eligible facilities and selling electric energy at wholesale.⁷

Pursuant to Section 366.7(a) of the Commission's regulations, Applicant makes the following representations to demonstrate that it satisfies the requirements for EWG status:

1. Applicant 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 facilities⁸ and selling electric energy at wholesale, except to the extent that it may engage in certain activities incidental to the wholesale sale of electric energy that the Commission has determined do not violate the exclusivity requirement for EWG status.⁹
2. Applicant represents that the Project is an "eligible facility," as defined in Section 32(a)(2) of PUHCA 1935, as incorporated by reference in Section 1262(6) of PUHCA 2005,¹⁰ and Section 366.1 of the Commission's regulations, because the

⁴ See, e.g., *Southern Electric Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994).

⁵ See, e.g., *Entergy Power Marketing Corp.*, 73 FERC ¶ 61,063 (1995).

⁶ See, e.g., *Sithe Framingham LLC*, 83 FERC ¶ 61,106 (1998).

⁷ See 18 C.F.R. § 366.1, which incorporates Sections 32(a)(2) through (4) and Sections 32(b) through (d) of the Public Utility Holding Company Act of 1935, 15 U.S.C. §§ 79z-5a(a)(2)-(4), 79z-5b(b)-(d) ("PUHCA 1935"), for purposes of establishing or determining whether an entity qualifies for EWG status.

⁸ The Commission has found that a battery storage facility can qualify as an "eligible facility" for purposes of EWG status. See e.g., *AES ES Westover LLC*, 131 FERC ¶ 61,008 at P 7 (2010).

⁹ E.g. nn. 4-6, *supra*.

¹⁰ 42 U.S.C. § 16451(6) (2018).

Project will be used for the generation of electric energy exclusively for sale at wholesale.¹¹

3. Applicant represents that the Project will not include any transmission or distribution facilities other than those limited interconnection facilities necessary to interconnect the Project to the transmission grid and to permit the sale of the Project's output at wholesale.
4. Applicant represents that it is not currently engaged in, and has no plans to engage in, any sales of electric energy at retail. All of the electric energy generated by the Project will be sold exclusively at wholesale within ERCOT.
5. Applicant represents that no portion of the Project is or will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Applicant as such terms are defined in Section 366.1 of the Commission's regulations, 18 C.F.R. § 366.1.
6. Applicant represents that there are no existing leasing arrangements involving the Project under which Applicant is the lessor.
7. Applicant represents that no rate or charge for, or in connection with, the construction of the Project, or for electric energy to be produced by the Project, was in effect under the laws of any state as of October 24, 1992. As such, no determination or certification by a state commission is necessary prior to certification of Applicant as an EWG.

V. NOTICE

¹¹ In addition to generating facilities, "eligible facilities" include "interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale." 15 U.S.C. § 79z-5a(a)(2).

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.

VI. CONCLUSION

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

Respectfully submitted,

/s/ William M Rappolt _____

William M. Rappolt

Sheppard, Mullin, Richter & Hampton LLP

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Email: wrappolt@sheppardmullin.com

ATTORNEY FOR WOLF TANK STORAGE LLC

Date: June 1, 2022

CERTIFICATE OF SERVICE

I hereby certify that Wolf Tank's foregoing Notice of Self-Certification of Exempt Wholesale Generator Status was served this 1st day of June 2022 upon the Public Utility Commission of Texas.

/s/ William M. Rappolt

William M. Rappolt

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.: 202206015058

-Docket(s) No.: EG22-133-000

-Filed By: Wolf Tank Storage LLC

-Signed By: William Rappolt

-Filing Type: Exempt Wholesale Generator Request -Filing Desc: Wolf Tank Storage LLC submits Request for Commission Certification of Exempt Wholesale Generator Status under EG22-133.

-Submission Date/Time: 6/1/2022 10:01:45 AM -Filed Date: 6/1/2022 10:01:45 AM

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

https://elibrary.ferc.gov/eLibrary/docinfo?accession_num=20220601-5058

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>

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E-Mail: ferconlinesupport@ferc.gov <mailto:ferconlinesupport@ferc.gov> (do not send filings to this address) Voice Mail: 866-208-3676.