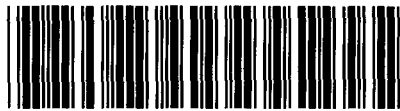




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**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**



Prospero Energy Project, LLC

)

Docket No. EG20-

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BY

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

Pursuant to the Public Utility Holding Company Act of 2005 (PUHCA),¹ and section 366.7 of the regulations of the Federal Energy Regulatory Commission (FERC or Commission),² Prospero Energy Project, LLC (Applicant) hereby submits this notice of self-certification as an exempt wholesale generator (EWG), as defined in section 366.1 of the Commission's regulations, 18 C.F.R. § 366.1.

I. COMMUNICATIONS

All communications regarding this Notice should be directed to:

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II. DESCRIPTION OF APPLICANT

Applicant is a Delaware limited liability company formed to develop, own, and operate a 300 MW (nameplate) photovoltaic solar energy project located in Andrews County, Texas (Facility). The Facility is expected to achieve commercial operation in June 2020. The Facility is comprised of photovoltaic solar panels and related equipment

¹ 42 U.S.C. §§ 16,451-16,463. PUHCA was enacted as Subtitle F of the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594.

² 18 C.F.R. § 366.7 (2019).

necessary for the generation and sale of power at wholesale. The Facility also includes limited and discrete electric interconnection facilities necessary to effectuate Applicant's wholesale power sales from the Facility. The Facility will be interconnected with the transmission system owned by Oncor Electric Delivery Company, LLC (formerly Sharyland Utilities, L.P.) and operated by Electric Reliability Council of Texas, Inc.

III. REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

- a. Applicant 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.
- b. 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.
- c. 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.

- d. No portion of the Facility is owned or operated by an electric utility company that is an affiliate or associate company of Applicant, as those terms are defined in section 366.1 of the Commission's regulations.
- e. Applicant may be engaged in certain activities that are incidental to the generation of electric energy for sale at wholesale to the extent permitted by the Commission, including the sale of ancillary services and renewable energy credits (RECs) associated with the electricity produced by the Facility. The Commission has determined that the sale of ancillary services and RECs associated with an eligible facility are activities incidental to an EWG's business of owning and operating an eligible facility and selling electricity at wholesale.³
- f. There are no lease, license, or other similar arrangements involving the Facility pursuant to which Applicant receives any revenues.

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.

³ See Sithe Framingham, LLC, 83 FERC ¶ 61,106 (1998) (ancillary services); Madison Windpower, LLC, 93 FERC ¶ 61,270 (2000) (RECs).

V. CONCLUSION

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

Respectfully submitted,

/s/ Jessica C. Friedman
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