



Control Number: 35077



Item Number: 1232

Addendum StartPage: 0

RECEIVED
2021 FEB 22 AM 9:14
FEDERAL ENERGY REGULATORY COMMISSION

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Chisholm Grid, LLC

)
)
)
Docket No. EG21- -000
25077

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. § 366.7 (2020), Chisholm Grid, LLC (“Company”) hereby submits this Notice of Self-Certification as an Exempt Wholesale Generator (“EWG”) (“Notice”), as defined in Section 366.1 of the Commission’s regulations, 18 C.F.R. § 366.1.

I. COMMUNICATIONS

All communications and service with respect to this Notice should be directed to the following individuals:

Aislynn Shaffer
Manager
Chisholm Grid, LLC
988 Howard Ave. Suite 200
Burlingame, CA 94010
Telephone: (65) 543-1611
Email: contracts@map-energy.com

Andrew B. Young
Dante Alessandri
DLA Piper LLC
500 Eighth Street, NW
Washington, DC 20004
Telephone: (202) 799-4082
Email: andrew.young@us.dlapiper.com
Email: dante.alessandri@us.dlapiper.com

II. DESCRIPTION OF THE COMPANY

The Company is a Delaware limited liability company that is developing a battery storage generating facility with a maximum net power production capacity of 100 MW located in Fort

¹ Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 8, 2005).

Worth, Texas (the “Facility”). The Project will be interconnected with Oncor Electric Delivery Company (“Oncor”) and will be located within the Electric Reliability Council of Texas (“ERCOT”) balancing authority area. The Company expects the Facility to begin generating test power and reach commercial operation in the second quarter of 2021. The Applicant will own or control no transmission facilities other than limited interconnection facilities needed to connect the Facility with the electric grid.

III. 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.² Consistent with the Commission’s regulations, the Company makes the following representations to certify that it satisfies the requirements for EWG status:

A. The Company is engaged directly, or indirectly through one of 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.³

² See 18 C.F.R. §§ 366.7 and 366.1 (2020). Section 366.1 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.

³ The Company may engage in activities incidental to the sale of electric energy, consistent with Commission precedent. The Commission’s precedent provides that an EWG may engage in includes the sale of ancillary services, and certain activities associated with the development and acquisition of as-yet-unidentified eligible facilities and/or EWGs, including due diligence, project design review and development, preparation of bid proposals, application for permits and/or regulatory approvals, negotiation of agreements to sell electricity at wholesale, negotiation of contractual commitments with lenders and equity investors, negotiation of contractual commitments with governmental authorities and other project participants, and other such activities as may be required to achieve financial closing on an eligible facility and/or EWG. See *Sithe Framingham LLC*, 83 FERC ¶ 61,106 at 61,504 (1998); *Southern Elec.*

B. The Facility is an “eligible facility” because (i) it will be used for the generation of electric energy exclusively for sale at wholesale and (ii) will include only those interconnecting transmission facilities that are necessary to effect a sale of electric energy at wholesale.⁴

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 of EWG status to become effective.

D. No portion of the Facility is owned or operated by an electric utility company that is an affiliate or an 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 FWG.

IV. STATE COMMISSION NOTIFICATION

As required by section 366.7(a) of the Commission’s regulations, the Company has on this day mailed a copy of this Notice of Self-Certification of EWG Status to the Public Utility Commission of Texas, which is the state regulatory authority of the state in which the Facility is located.

Wholesale Generators, Inc., 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994).

⁴ The Commission has found that a battery storage facility that is operated in such a manner that it will be engaged directly and exclusively in selling electric energy at wholesale can qualify as an “eligible facility” for purposes of determining whether an applicant meets the requirements of EWG status. *AES ES Westover, LLC*, 131 FERC ¶ 61,008, at P 7 (2010).

V. SUBSCRIPTION CERTIFICATION

Pursuant to Section 366.7 of the Commission's regulations, attached to this filing is a signed subscription certification by a representative legally authorized to bind the Company, attesting to the facts and representations in this Notice, which demonstrate eligibility for EWG status.

VI. CONCLUSION

Based upon the facts, representations and statements set forth herein, the Company respectfully requests that the Commission accept this notice of self-certification of EWG status.

Dated: February [11], 2021.

Respectfully submitted,

/s/ Dante Alessandri

Andrew B. Young

Dante Alessandri

DLA Piper LLP

500 Eighth Street, N.W.

Washington, DC 20004

Counsel for Chisholm Grid, LLC

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

Chisholm Grid, LLC

)
)
)

Docket No. EG21-____-000

CERTIFICATION

I, the undersigned, and as an officer of Chisholm Grid, LLC, certify that I have read the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status being filed by Chisholm Grid, LLC and know the contents thereof; and the facts and representations set forth in this certification of exempt wholesale generator status are true and correct to the best of my knowledge, information and belief. I possess the full power and authority to sign this filing.

Dated: February 11, 2021.

Aislynn Shaffer

Digitally signed by Aislynn Shaffer
DN: cn=Aislynn Shaffer, o=WAP,
ou=REG/ES, email=ashaffer@map-
energy.com, c=US
Date: 2021.02.11 13:20:45 -0800

Name: Aislynn Shaffer
Title: Manager

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

Chisholm Grid, LLC

)
)
)

Docket No. EG21- ____-000

CERTIFICATE OF SERVICE

I hereby certify that foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Chisholm Grid, LLC was served on the 12 of February, 2021, upon the following:

Public Utility Commission of Texas
Central Records
1701 N Congress PO Box 13326
Austin, Texas 78711-3326

/s/ Dante Alessandri

Andrew B. Young
Dante Alessandr
DLA Piper LLP
500 Eighth Street, N.W.
Washington, DC 20004

Counsel for Chisholm Grid, LLC