



Control Number: 48574



Item Number: 4

Addendum StartPage: 0

DOCKET NO. 48574

APPLICATION OF SP WIND § PUBLIC UTILITY COMMISSION
HOLDINGS II, LLC UNDER § 39.158 OF §
THE PUBLIC UTILITY REGULATORY § OF TEXAS
ACT §
§

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF THE APPLICATION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Recommendation on the Sufficiency of the Application in response to Order No. 1 and would show the following:

I. Background

On August 6, 2018, SP Wind Holdings II, LLC ("SP Wind" or "Applicant") filed an application with the Commission for approval of the issuance of Class A interests to JPM Capital Corporation (JPM Capital), BAL Investment & Advisory, Inc. (BAL Investment), and Wells Fargo Central Pacific Holdings Inc. (Wells Fargo). SP Wind and its affiliates own equity interests in three wind powered electric generation projects interconnected to the Electric Reliability Council of Texas (ERCOT). They include the 174 MW Salt Fork Wind, LLC project located in Gray and Donley Counties, the 125.6 MW Tyler Bluff Wind Project, LLC, located in Cooke County, and the 257.2 MW Wake Wind Energy LLC project located in Floyd and Crosby Counties. Additionally, SP Wind and its affiliates own equity interests in Bethel Wind Farm LLC, a 276 MW wind powered electric generation project located in Castro County and interconnected to the Southwest Power Pool (SPP). The combined generation owned and controlled by JPM Capital, BAL Investment, Wells Fargo and its affiliates following the proposed purchase will not exceed twenty percent of the total electricity offered for sale either the ERCOT or SPP power region.

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PUBLIC UTILITY COMMISSION
CLERK

The Commission has jurisdiction over this application pursuant to §§ 14.101 and 39.158 of the Public Utility Regulatory Act (PURA).¹

On August 13, 2018, the Administrative Law Judge (ALJ) issued Order No. 1 requiring Staff to file comments or a recommendation on the sufficiency of the application, whether additional notice should be required to comply with the applicable procedural rules, and on SP Wind's proposed procedural schedule on or before August 27, 2018. Therefore, this pleading is timely filed.

II. Comments Regarding Sufficiency of Notice and Application

SP Wind has proposed that public notice of the application be accomplished through publication in the *Texas Register*. In addition, at the time of this filing, SP Wind asserts that the only other parties affected by this application are the Investors.² The Commission will provide notice through the *Texas Register* on August 24, 2018. Staff reviewed SP Wind's proposed notice and recommends that the proposed method and content of the notice be deemed sufficient. Staff further recommends that additional notice is not necessary. Additionally, Staff has not identified any deficiencies in SP Wind's application and recommends that it be found administratively complete.

III. Proposed Procedural Schedule

SP Wind had proposed a deadline for Staff to file comments on the sufficiency of the notice on August 21, 2018 which precedes this recommendation and Staff's comments on sufficiency are provided within the contents of this filing.

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2016 & Supp. 2017), §§ 59.001-66.016 (West 2007 & Supp. 2017) (PURA).

² Application at 7 (Aug. 6, 2018).

Staff proposes the following procedural schedule:

<u>Event</u>	<u>Date</u>
Deadlines for motions to intervene, intervenor comments, and intervenor requests for a hearing.	September 20, 2018
Deadline for Staff's recommendation or request for a hearing on the merits.	October 4, 2018
Deadline for Applicant Response to intervenor requests and/or Staff recommendations or requests	October 8 2018
Deadline for parties draft proposed order, including findings of fact, conclusions of law, and ordering paragraphs.	October 15 2018

IV. Conclusion

Staff respectfully requests that an order be issued consistent with this Recommendation.

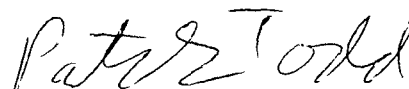
Date: August 22, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 22, 2018, in accordance with 16 TAC § 22.74.



Patrick D. Todd