



Filing Receipt

Filing Date - 2024-06-08 12:29:40 AM

Control Number - 53385

Item Number - 2466



Public Utility Commission of Texas
1701 N. Congress Avenue or P.O. Box 13326
Austin, Texas 78711-3326
512-936-7000
Web address: www.puc.texas.gov

Registration and Re-registration Form for Power Generation Companies (PGC) and Self-Generators

(In accordance with 16 Texas Administrative Code (TAC) § 25.109)

Part A – Type of Registration Applicable to Every Registrant

1. Type of registration

Check only one of the following.

- | | |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <input checked="" type="checkbox"/> New power generation company (PGC) registration | <input type="checkbox"/> New self-generator registration |
| <input type="checkbox"/> Amendment of PGC registration | <input type="checkbox"/> Amendment of self-generator registration |
| <input type="checkbox"/> PGC re-registration | <input type="checkbox"/> Self-generator re-registration |
| <input type="checkbox"/> PGC compliance update | <input type="checkbox"/> Self-generator compliance update |

2. Amendments

If filing an amendment, check all applicable boxes and fill in only the sections of this form that are applicable to your amendment:

- | | |
|------------------------------------------------------|--------------------------------------------------------------------------------|
| <input type="checkbox"/> Name change amendment | <input type="checkbox"/> Facility output capacity change |
| <input type="checkbox"/> Change in ownership/control | <input type="checkbox"/> New generating facility or unit of a current facility |
| <input type="checkbox"/> Registration relinquishment | <input type="checkbox"/> Other |

Registration number: _____

Provide a brief explanation of amendment:

3. Biannual renewal of registration – This box is not applicable until February 2024.

If filing a re-registration, fill in the box below if the registrant's information has not changed from the previous registration.

- ☐ No information has changed from the previous registration. The Affidavit is required to be completed and filed if this box is checked.

4. Compliance with Project No. 52796 – PGCs and self-generators already registered on, or that applied for registration before, April 26, 2023, must complete this box to come into compliance with 16 Texas Administrative Code (TAC) § 25.109 on or before June 1, 2023.

If filing a compliance update, provide the registrant's registration number and check the box below once the form has been completed.

Registration number: _____

☐ Registrant has completed the entire form, as applicable to its type of registration.

Part B – Registration Information Applicable to Every Registrant

1. Registrant

Legal business name: SBESS TX 5, LLC

Business address: 1901 Harrison Street, Suite 1630

City: Oakland	State: CA	ZIP: 94612
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Business email: compliance@adapturere Renewables.com	Business phone: 844-367-7272
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Physical address (i.e. not a P.O. box), if different than business address. If the physical address is the same as the business address, enter "N/A". A single physical address provided under this section may be used for the Primary and Secondary Emergency Contacts , as required by 16 TAC §25.109(c)(1)(B).

271 North Hwy 377

City: Junction	State: TX	ZIP: 76849
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2. Primary Emergency Contact Information

Name: Fractal EMS, Inc.	Title: Fractal On-Duty Operator
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Business address: 8656 W Hwy 71 Bldg F Ste 100

City: Austin	State: TX	ZIP: 78735
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Email: operations@fractalems.com	Phone: 512-646-9689
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3. Secondary Emergency Contact Information

Name: Todd Engelbrecht	Title: Director of Safety
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Business address: Clean Energy Services, 4201 Main Street

City: Houston	State: TX	ZIP: 77002
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Email: todd.engelbrecht@cesrenewables.com	Phone: 760-696-5792
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4. Regulatory Contact Information

Name: Michelle Chen	Title: Senior Asset Manager
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Email: compliance@adapturere Renewables.com	Phone: 844-367-7272
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Check the relevant box below indicating whether the registrant's regulatory contact is an internal staff member of the registrant.

☒ Yes, the registrant's regulatory contact is an internal staff member of the registrant.

☐ No, the registrant's regulatory contact is not an internal staff member of the registrant.

5. Description of the types of services provided by the registrant that relate to the generation of electricity

Battery Energy Storage System participating in the wholesale electric energy market.

6. For qualified facilities and exempt wholesale generators, provide as an attachment a copy of any Federal Energy Regulatory Commission (FERC) registrations

- ☐ Registrant is a qualified facility and has attached a copy of a FERC registration.
- ☒ Registrant is an exempt wholesale generator and has attached a copy of a FERC registration.
- ☐ Registrant is not a qualified facility or exempt wholesale generator.

Part C - Applicable to Registration of Power Generation Companies

7. Names and, if applicable, the Commission registration of the registrant's corporate parent companies (if parent company does not have a Commission registration then mark "N/A") (add additional pages as attachments as necessary)

Names of Corporate Parent: Adapture Solar Investment 6, LLC	Type of Commission registration (if applicable): N/A
Names of Corporate Parent: Adapture Renewables, Inc.	Type of Commission registration (if applicable): N/A
Names of Corporate Parent:	Type of Commission registration (if applicable):

8. Names of the registrant's affiliates and affiliates of the registrant's corporate parent identified by name that buy and sell electricity at wholesale in Texas, sell electricity at retail in Texas, or is an electric cooperative or municipally owned utility in Texas (add additional pages as attachments as necessary)

Affiliate Name: BT Cooke Solar, LLC	Type of Commission registration (if applicable): 20590
Affiliate Name: Catan Solar, LLC	Type of Commission registration (if applicable): 20491
Affiliate Name:	Type of Commission registration (if applicable):

9. Interchange Project Number where registrant's Emergency Operation Plan is filed and Item Number of filing

Project Number: 53385

Item Number: 2463

Part D – Applicable to Every Registrant

AFFIDAVIT

(Must be notarized by a public notary)

STATE OF _____
COUNTY OF _____

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§
§

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, who, after being duly sworn, stated on his or her oath that he or she is entitled to make this Affidavit, and that the statements contained below and in the foregoing are true and correct.

Check one of the following boxes:

☐ I am an authorized representative of the registrant, which is a **self-generator** and swear and affirm that either:

- ◆ (A) the company
 - (i) is not a power generation company; and
 - (ii) does not intend to generate electricity intended to be sold at wholesale; or
- (B) if the company is a QF
 - (i) the company either does not sell electricity; or
 - (ii) provides electricity only to the purchaser of the facility's thermal output.

☒ I am an authorized representative of the registrant, which is a **power generation company** and swear and affirm that the company:

- ◆ (A) Generates electricity that is intended to be sold at wholesale;
- (B) Does not own a transmission or distribution facility in this state other than an essential interconnecting facility, a facility not dedicated to public use, or a facility otherwise excluded from the definition of "electric utility" under 16 Texas Administrative Code § 25.5; and
- (C) Does not have a certificated service area.

I swear and affirm that I have personal knowledge that none of registrant's principals (1) were principals of a Commission-regulated person whose license was revoked by Commission order when the person was principal, (2) were principals of any party registered with the Electric Reliability Council of Texas (ERCOT) whose standard form market participant agreement (SFA) was terminated by ERCOT for misconduct within the prior six months of when they were a principal, or (3) are otherwise prohibited by Commission order from acting as a principal of a Commission-regulated entity.

I swear and affirm that I have personal knowledge of the facts stated in the attached registration, that I am competent to testify to them, and that I have the authority to submit this registration form on behalf of the registrant. I further swear and affirm that all statements made in the registration form are true, correct and complete and that any substantial changes in such information will be provided to the Public Utility Commission of Texas in a timely manner. I swear and affirm that the registrant understands and will comply with all requirements of the applicable law and rules.



Signature of Authorized Representative

Michelle Chen

Printed Name

Name of Registrant

Sworn and subscribed before me this

_____ of _____,
Day Month Year

Notary Public Signature

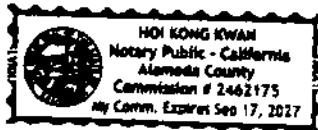
Notary Public in and for the State of _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Alameda

Subscribed and sworn to (or affirmed) before me on this 7th
day of June, 2024, by Michelle Chen

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature HOI KONG KWAN

Part E – Applicable to Every Registrant

Provide information for each generating unit. If more room is needed to list all generating units, attach additional copies of Part E.

All Registrants							Self-Generators Only
Generating Unit's Name	Physical Address of Unit	County of Unit	Interconnecting Transmission Service Provider	Power Region	Total Capacity Rating in MW	Type(s) of Generation*	MW Consumption of Co-Located Load
SBESS TX 5, LLC	271 North Hwy 377, Junction, TX 76849	Kimble	Pedernales Electric Cooperative, Inc.	ERCOT	9.95 MWac	Battery Energy Storage	

*i.e., biomass, wind, geothermal, solar, hydro, nuclear, landfill gas, energy storage, hydrogen, diesel, coal, natural gas, other (provide an explanation)

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

SBESS TX 5, LLC

)

Docket No. EG24-__-000

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

Pursuant to Section 366.7(a) of the Federal Energy Regulatory Commission's (Commission) regulations,¹ SBESS TX 5, LLC (Company) hereby submits this Notice of Self-Certification that it is an exempt wholesale generator (EWG) as defined in Section 366.1 of the Commission's regulations.² In support of this notice, the Company states as follows:

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this notice should be sent to the following persons who are authorized to receive service:

Jace Fabrycki
SBESS TX 5, LLC
1901 Harrison St., Suite 1630
Oakland, CA 9612
(844) 367-7272
compliance@adapturerenewables.com

Frederick G. Jauss IV
HUSCH BLACKWELL LLP
1801 Pennsylvania Avenue NW, Suite 1000
Washington, DC 20006
(202) 378-2309
Fred.Jauss@huschblackwell.com

II. DESCRIPTION OF THE COMPANY

The Company is a Delaware limited liability company that has been formed to develop, own, and operate an approximately 9.95 MWac nameplate capacity battery energy storage facility (the Facility) that will be located in Kimble County, Texas. The Facility is currently expected to achieve commercial operation in the second quarter of 2024. The Facility will be comprised of nine LFP battery units, each with a liquid cooling and fire suppression system,

¹ 18 C.F.R. § 366.7(a).

² *Id.* at § 366.1.

and three power conversion systems, each with a 12.47kV transformer. The Facility will also include electric interconnection facilities necessary to effectuate the Company's wholesale power sales from the Facility. The Facility will be interconnected with the transmission system owned by Pedernales Electric Cooperative, Inc. within the Electric Reliability Council of Texas, Inc. (ERCOT) balancing authority area (BAA). All of the Facility's output will be sold at wholesale within the ERCOT BAA.

The Company is 100% owned by Adapture Solar Investments 6, LLC, a Delaware limited liability company, which is 100% owned by Adapture Renewables, Inc., a Delaware corporation. Adapture Renewables, Inc. is a renewable energy company focused on developing, owning, and operating solar energy projects and battery energy storage systems.

III. REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

Any entity may self-certify its status as an EWG by demonstrating that it satisfies the definition of an EWG.³ Consistent with the Commission's regulations, the Company makes the following representations to certify that it satisfies the criteria for EWG status:

1. The Company 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 facilities and selling electric energy at wholesale.⁴

³ *Id.* at § 366.7(a).

⁴ Consistent with Commission precedent, the Company may engage in certain other activities incidental to the wholesale sale of electricity from the Facility, including the sale of ancillary services (*see, e.g., Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998)); the sale of renewable energy credits (*see, e.g., Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000)); and other activities associated with the development of eligible facilities and/or EWGs, including project design review and development, application for permits and/or regulatory approvals, negotiation of agreements to sell electricity at wholesale, negotiation of contractual commitments with lenders and equity investors, and other such activities as may be required to achieve financial closing on an eligible facility and/or EWG (*see, e.g., Southern Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994)).

2. 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.
3. 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.
4. No portion of the Facility is owned or operated by an electric utility company that is an affiliate or associate company of the Company, as defined in Section 366.1 of the Commission’s regulations.

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.

V. CONCLUSION

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

Respectfully submitted,

/s/ Frederick G. Jauss IV

Frederick G. Jauss IV
HUSCH BLACKWELL LLP

Counsel for SBESS TX 5, LLC

Dated: March 27, 2024

From: efiling@ferc.gov
To: Jauss, Fred; efilingacceptance@ferc.gov
Subject: FERC Receipt of Filing in New Docket
Date: Tuesday, March 26, 2024 4:41:17 PM

[EXTERNAL EMAIL]

Confirmation of Receipt

This is to confirm receipt by the FERC Office of the Secretary of the following electronic submission:

- Submission ID: 1499820
- Docket(s) No.: New Docket
- Filed By: SBESS TX 5, LLC
- Signed By: Frederick Jauss
- Filing Desc: Self-Certification of EG or FC of SBESS TX 5, LLC under New Docket.
- Submission Date/Time: 3/26/2024 5:40:15 PM
- Projected Filed Date/Time: 3/27/2024 8:30:00 AM (Subject to Change based on OPM/FERC Closure)

Additional detail about your filing is available via the following link:

<https://ferconline.ferc.gov/SubmissionStatus.aspx?hashcode=GnG3qOqm9Hrox2jyvC0N2w>

Thank you for participating in the FERC Electronic Filing System. If you have any questions, or if you detect errors in your submission or the FERC-generated PDF, please contact FERC at:

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

Zermeno, Alaina

Subject: FW: FERC Acceptance for Filing in EG24-149-000

From: eFiling@ferc.gov <eFiling@ferc.gov>

Sent: Wednesday, March 27, 2024 8:02:43 AM

To: Jauss, Fred <Fred.Jauss@huschblackwell.com>; eFilingAcceptance@ferc.gov <eFilingAcceptance@ferc.gov>

Subject: FERC Acceptance for Filing in EG24-149-000

[EXTERNAL EMAIL]

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.: 202403275053

-Docket(s) No.: EG24-149-000

-Filed By: SBESS TX 5, LLC

-Signed By: Frederick Jauss

-Filing Type: Exempt Wholesale Generator Request

-Filing Desc: SBESS TX 5, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status under EG24-149.

-Submission Date/Time: 3/26/2024 5:40:15 PM

-Filed Date: 3/27/2024 8:30:00 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=20240327-5053

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:

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Voice Mail: 866-208-3676.