



## **Filing Receipt**

**Filing Date - 2023-11-01 04:14:15 PM**

**Control Number - 54829**

**Item Number - 77**



*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](http://www.puc.texas.gov)

## Registration and Re-registration Form for Power Marketers

(In accordance with 16 Texas Administrative Code (TAC) § 25.105)

### 1. Type of registration

Check only one of the following.

- ☐ New power marketer registration
- ☐ Amendment of power marketer registration
- ☒ Current power marketer re-registration

### 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:

- ☐ Name change amendment
- ☐ Change to actives and services provided
- ☒ New or additional addresses of facilities used
- ☒ Change in Federal Energy Regulatory Commission (FERC) Registration
- ☐ Other

Registration number:

Provide a brief explanation of amendment:

Change of Address

### 3. Annual renewal of registration – This box is not applicable until November 2023.

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.

**1. Registrant****Legal Business Name:** Trafigura Trading, LLC**Address:** 845 Texas Ave. Suite 3600**City:** Houston**ZIP:** 77002**Principal place of business:****Email:** PowerOpsComplianceNA@trafigura.com**Phone:** (832) 203-6400**2. Regulatory Contact Information****Name:** Emily Black Huynh**Title:** Compliance Team Lead**Email:** PowerOpsComplianceNA@trafigura.com**Phone:** 832-203-6425

**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.

**3. Description of activities registrant will participate in and services it will provide.**

TTL will conduct wholesale marketing and trading of energy products and services, as well as other business necessary to facilitate said activities, in the market administered by the Electric Reliability Council of Texas.

**4. Addresses of any facilities used by the registrant in Texas.**

TTL has an office located at 845 Texas Ave. Suite 3600, Houston, TX 77002

**5. As applicable, provide as an attachment a copy of any FERC registrations.**

# AFFIDAVIT

(Must be notarized by a public notary)

STATE OF Texas  
COUNTY OF Harris

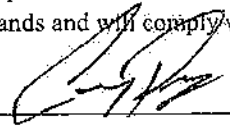
§  
§  
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BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, who, after being duly sworn, stated on his or her oath that he or she is entitled to make this Affidavit, and that the statements contained below and in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

Complete the following information to identify all registrant's affiliates in the state of Texas:

Affiliate's name (enter N/A if registrant does not have an affiliate)	Affiliate's type of Commission registration (enter N/A if affiliate does not have a Commission registration)	Type of services provided by affiliate (buys or sells at wholesale, sells at retail, is an electric cooperative, is a municipally owned utility, is a qualified scheduling entity, etc.)
TCPU LLC	N/A	Does not participate in the power market
Texas Gulf Terminals LLC	N/A	Does not participate in the power market
TFG Marine Inc.	N/A	Does not participate in the power market
Galena US Holdings, Inc.	N/A	Does not participate in the power market
H2 Energy USA, Inc.	N/A	Does not participate in the power market
Impala Fleeting Burnside LLC	N/A	Does not participate in the power market

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.

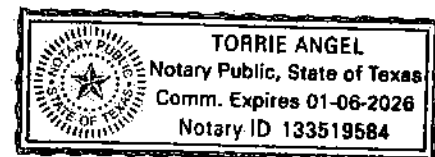
  
\_\_\_\_\_  
Signature of Authorized Representative

Sworn and subscribed before me this 1<sup>st</sup> day  
of November Month 2023 Year

Corey Prologo  
\_\_\_\_\_  
Printed Name

Torrie Angel  
\_\_\_\_\_  
Notary Public in and for the \_\_\_\_\_

Trafigura Trading, LLC  
\_\_\_\_\_  
Name of Registrant



Affiliate's name (enter N/A if registrant does not have an affiliate)	Affiliates type of Commission registration (enter N/A if affiliate does not have a Commission registration)	Type of services provided by affiliate (buys or sells at wholesale, sells at retail, is an electric cooperative, is a municipally owned utility, is a qualified scheduling entity, etc.)
IMPALA TERMINALS BURNSIDE LLC	N/A	Does not participate in the power market
Texas Gulf Holdings Inc.	N/A	Does not participate in the power market
Trafigura Altis Holding Inc.	N/A	Does not participate in the power market
Trafigura Commodities Marketing Limited	N/A	Does not participate in the power market
Trafigura Sawtooth Holdings Inc.	N/A	Does not participate in the power market
Trafigura US Holdings, Inc.	N/A	Does not participate in the power market
Trafigura US, Inc.	N/A	Does not participate in the power market
Peninsula Power Lonestar LLC	N/A	Participates in ERCOT financial markets only
Peninsula Power TX LLC	N/A	Participates in ERCOT financial markets only
Peninsula Power, LLC	N/A	Participates in ERCOT financial markets only
Uncia Energy, LP	N/A	Participates in ERCOT financial markets only

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
Trafigura Trading LLC  
Docket No. ER20-2063-000

Issued: August 13, 2020

Terence T. Healey  
Sidley Austin LLP  
60 State Street  
Boston, Massachusetts 02109

Reference: Market-Based Rate Authorization

On June 16, 2020, you filed on behalf of Trafigura Trading LLC (Trafigura) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy, capacity, and ancillary services at market-based rates.<sup>1</sup> You request on behalf of Trafigura waivers commonly granted to similar market-based rate applicants. Trafigura's market-based rate tariff is accepted for filing, effective June 17, 2020, as requested.<sup>2</sup> Based on your representations, Trafigura

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<sup>1</sup> Trafigura requests authorization to sell ancillary services in all of the regional transmission organization or independent system operator markets for which the Commission has approved sales of specific ancillary services. Trafigura also requests authorization to engage in the sale of certain ancillary services as a third-party provider in other markets.

<sup>2</sup> Trafigura Trading LLC, FERC FPA Electric Tariff, Market Based Rates; Section 1, Market Based Rates, 1.0.0. The next time Trafigura makes a market-based rate filing with the Commission, it must include a revised tariff in compliance with Order Nos. 697 and 697-A to include appropriate citations. *See Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 697, 119 FERC ¶ 61,295, at P 916 (2007), *order on reh'g*, Order No. 697-A, 123 FERC ¶ 61,055, at P 384 (2008). *See also Niagara Mohawk Power Corporation*, 121 FERC ¶ 61,275 (2007) at P 8.

meets the criteria for a Category 1 seller in all regions and is so designated.<sup>3</sup>

Your filing was noticed on June 16, 2020, with comments, protests, or interventions due on or before July 7, 2020. None was filed.

### **Market-Based Rate Authorization**

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.<sup>4</sup>

You represent that Trafigura is owned by Trafigura US Inc. and is a power marketer. You represent that Trafigura and its affiliates do not own or control any generation capacity. Based on your representations, Trafigura satisfies the Commission's requirements for market-based rate authority regarding horizontal market power.<sup>5</sup>

With respect to vertical market power, you represent that Trafigura and its affiliates either do not own, operate, or control any transmission facilities; or own, operate, or control transmission facilities that: (a) have a Commission-approved Open Access Transmission Tariff (OATT) on file; (b) are under the operational control of a regional transmission organization or an independent system operator; (c) have received waiver of the OATT requirement under 18 C.F.R. § 35.28(d)(1); or (d) satisfy the

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<sup>3</sup> See *Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity & Ancillary Servs. by Pub. Utils.*, Order No. 816, 153 FERC ¶ 61,065, at P 320 (2015). Order No. 697, 119 FERC ¶ 61,295 at PP 848-850. Trafigura must file an updated market power analysis for each region in which it is designated as a Category 2 seller in compliance with the regional reporting schedule. See Order No. 816, 153 FERC ¶ 61,065 at P 353.

<sup>4</sup> Order No. 697, 119 FERC ¶ 61,295 at PP 62, 399, 408, 440.

<sup>5</sup> We note that Trafigura is not being granted authority to make third-party sales of operating reserves to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers. If Trafigura seeks such authority, it must make the required showing and receive Commission authorization prior to making such sales. See *Third-Party Provision of Ancillary Servs.; Accounting and Financial Reporting for New Elec. Storage Technologies*, Order No. 784, 144 FERC ¶ 61,056, at PP 200-202 (2013), *order on clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

requirements for a blanket waiver under 18 C.F.R. § 35.28(d)(2).<sup>6</sup> Further, you affirmatively state that Trafigura and its affiliates have not erected barriers to entry and will not erect barriers to entry into the relevant market. Based on your representations, Trafigura satisfies the Commission's requirements for market-based rate authority regarding vertical market power.

### **Waivers, Authorizations, and Reporting Requirements**

Trafigura's request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Trafigura's request for waiver of Part 41 and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.<sup>7</sup> Trafigura's request for waiver of Part 101 of the Commission's regulations is hereby granted, with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects.<sup>8</sup> Notwithstanding the waiver of the accounting and reporting requirements here, Trafigura is expected to keep its accounting records in accordance with generally accepted accounting principles.

Trafigura requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. Trafigura is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful

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<sup>6</sup> See *Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities*, Order No. 807, 150 FERC ¶ 61,211, *order on reh'g*, Order No. 807-A, 153 FERC ¶ 61,047 (2015).

<sup>7</sup> See Order No. 697, 119 FERC ¶ 61,295 at PP 984-985.

<sup>8</sup> Hydropower licensees are required to comply with the requirements of the Uniform System of Accounts pursuant to 18 C.F.R. Part 101 to the extent necessary to carry out their responsibilities under Part I of the Federal Power Act (FPA). We further note that a licensee's status as a market-based rate seller under Part II of the FPA does not exempt it from its accounting responsibilities as a licensee under Part I of the FPA. See Order No. 816, 153 FERC ¶ 61,065 at PP 345-350; *Seneca Gen., LLC*, 145 FERC ¶ 61,096, at P 23, n.20 (2013) (citing *Trafalgar Power, Inc.*, 87 FERC ¶ 61,207, at 61,798 (1999) (noting that "all licensees are required to comply with the requirements of the Uniform System of Accounts to the extent necessary to carry out their responsibilities under [s]ections 4(b), 10(d) and 14 of the FPA"))).



object within the corporate purposes of Trafigura, compatible with the public interest, and reasonably necessary or appropriate for such purposes.<sup>9</sup>

Trafigura must file Electric Quarterly Reports (EQRs) with the Commission, consistent with Order Nos. 2001<sup>10</sup> and 768.<sup>11</sup> Trafigura must file EQRs electronically with the Commission consistent with the procedures set forth in Order No. 770.<sup>12</sup> Trafigura further must timely report to the Commission any change in status that would reflect a departure from the characteristics the Commission relied upon in granting market-based rate authority.<sup>13</sup>

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the applicant.

This action is taken pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307. This order constitutes

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<sup>9</sup> See Order No. 697, 119 FERC ¶ 61,295 at PP 999-1000.

<sup>10</sup> *Revised Pub. Util. Filing Requirements*, Order No. 2001, 99 FERC ¶ 61,107, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, 125 FERC ¶ 61,103 (2008).

<sup>11</sup> *Elec. Mkt. Transparency Provisions of Section 220 of the Fed. Power Act*, Order No. 768, 140 FERC ¶ 61,232 (2012), *order on reh'g*, Order No. 768-A, 143 FERC ¶ 61,054 (2013).

<sup>12</sup> See *Revisions to Elec. Quarterly Report Filing Process*, Order No. 770, 141 FERC ¶ 61,120, at P 3 (2012) (citing Order No. 2001, 99 FERC ¶ 61,107 at P 31).

<sup>13</sup> 18 C.F.R. § 35.42 (2019); see also *Reporting Requirement for Changes in Status for Pub. Utils. with Market-Based Rate Auth.*, Order No. 652, 110 FERC ¶ 61,097, *order on reh'g*, Order No. 652-A, 111 FERC ¶ 61,413 (2005).

Docket No. ER20-2063-000

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final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Issued by: Steven T. Wellner, Director, Division of Electric Power Regulation - West

Document Content(s)

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