



## **Filing Receipt**

**Filing Date - 2023-05-26 01:53:25 PM**

**Control Number - 54941**

**Item Number - 178**



*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 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 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 checked="" 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:** 20707

☒ 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:** EL SAUZ RANCH WIND LLC

**Business address:** 1000 Main St. - 31st Floor

**City:** Houston

**ZIP:** 77002

**Principal place of business:** San Perlita, TX

**Email:** jeremy.high@jeraamericas.com

**Phone:** 281-746-1232

### 2. Primary Emergency Contact Information

**Name:** John Schmidt

**Title:** Facility Manager

**Address:** 25440 FM 3142

**City:** San Perlita

**State:** TX

**ZIP:** 78590

**Email:** john.schmidt@apexcleanenergy.com

**Phone:** 956-451-9595

### 3. Secondary Emergency Contact Information

**Name:** Dana Cataldo

**Title:** Asset Manager

**Address:** 120 Garrett Street, Suite 700

**City:** Charlottesville

**State:** VA

**ZIP:** 22902

**Email:** ESW\_AssetMgmt@apexcleanenergy.com

**Phone:** 774-278-4113

### 4. Regulatory Contact Information

**Name:** Desmond Adams

**Title:** Compliance and Risk Manager

**Email:** desmond.adams@radiangen.com

**Phone:** 252-248-5987

**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

Generation and wholesale of renewable energy from El Sauz Ranch Wind power plant.

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

### Part C - Applicable to Registration of Power Generation Companies

**7. Names, types of business, percentage of ownership, and Commission registration type 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)**

<b>Names of Corporate Parent(s):</b> JERA Americas Inc.	<b>Type of Business:</b> Project Owner	<b>Percentage of Ownership:</b> 100%	<b>Type of Commission registration:</b> N/A
<b>Names of Corporate Parent(s):</b>	<b>Type of Business:</b>	<b>Percentage of Ownership:</b>	<b>Type of Commission registration:</b>
<b>Names of Corporate Parent(s):</b>	<b>Type of Business:</b>	<b>Percentage of Ownership:</b>	<b>Type of Commission registration:</b>

**8. Name and type of registrations of the registrant's affiliates who have a Commission registration (add additional pages as attachments as necessary)**

<b>Affiliate Name:</b>	<b>Type of Commission registration:</b>
<b>Affiliate Name:</b>	<b>Type of Commission registration:</b>
<b>Affiliate Name:</b>	<b>Type of Commission registration:</b>

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

<b>Project Number:</b> 53385	<b>Item Number:</b> 779
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**Part D – Applicable to Every Registrant**

**AFFIDAVIT**

*(Must be notarized by a public notary)*

STATE OF Texas  
COUNTY OF Harris

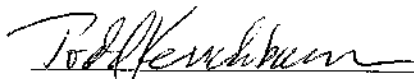
§  
§  
§

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**.
- ☒ 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 Public Utility Regulatory Act (PURA) § 31.002; and
  - (C) Does not have a certificated service area.
  - ◆ Further, 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 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

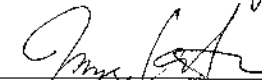
Todd Kerschbaum

\_\_\_\_\_  
Printed Name

EL SAUZ RANCH WIND LLC

\_\_\_\_\_  
Name of Registrant

Sworn and subscribed before me this 24<sup>th</sup> day of May, 2023  
Month \_\_\_\_ Year

  
\_\_\_\_\_  
Notary Public in and for the State of TEXAS



### 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
EL SAUZ RANCH WIND LLC	25440 FM 3142, San Perlita,	Willacy	AEP Texas Inc.	ERCOT	301.5	Wind	

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



Control Number: 14406



Item Number: 937



2021 DEC 10 AM 8:51

FILED  
FILING CLERK

**Akin Gump**

STRAUSS HAUER & FELD LLP

**SCOTT D. JOHNSON**

+1 202 887 4218/fax: +1 202 887 4288  
sdjohnson@akingump.com

December 6, 2021

**Public Utility Commission of Texas**

Central Records

1701 N. Congress Avenue

P.O. Box 13326

Austin, TX 78711-3326

Re: Notice of Self-Certification of Exempt Wholesale Generator Status of El Sauz Ranch Wind, LLC

Dear Sir or Madam:

Attached for filing please find the Notice of Self-Certification of Exempt Wholesale Generator Status of El Sauz Ranch Wind, LLC as filed with the Federal Energy Regulatory Commission on December 6, 2021. Please contact me if you have questions or need additional information.

Respectfully submitted,

/s/ Scott D. Johnson

Scott D. Johnson

*Attorney for El Sauz Ranch Wind, LLC*

Attachments

Cc: centralrecords@puc.texas.gov

937

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**From:** eFiling@ferc.gov  
**Sent:** Monday, December 6, 2021 3:23 PM  
**To:** Johnson, Scott D.; eFilingacceptance@ferc.gov  
**Subject:** FERC Receipt of Filing in New Docket

**\*\*EXTERNAL Email\*\***

Confirmation of Receipt

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

-Submission ID: 1264574

-Docket(s) No.: New Docket

-Filed By: El Sauz Ranch Wind, LLC

-Signed By: George Cannon, Scott Johnson

-Filing Desc: Notice of Self-Certification of Exempt Wholesale Generator Status of El Sauz Ranch Wind, LLC under New Docket.

-Submission Date/Time: 12/6/2021 3:20:11 PM

-Projected Filed Date/Time: 12/6/2021 3:20:11 PM (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=4xkLFKrgU3w23Ghrj6W4g>

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

El Sauz Ranch Wind, LLC

)

Docket No. EG22-\_\_\_\_-000

**NOTICE OF SELF-CERTIFICATION OF EXEMPT  
WHOLESALE GENERATOR STATUS OF EL SAUZ RANCH WIND, LLC**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and Section 366.7(a) of the regulations of the Federal Energy Regulatory Commission (“Commission”),<sup>2</sup> El Sauz Ranch Wind, LLC (“El Sauz”) submits this notice of self-certification (“Notice”) of its status as an “exempt wholesale generator” (“EWG”) as defined in Section 366.1 of the Commission’s regulations.<sup>3</sup>

**I. CORRESPONDENCE, COMMUNICATIONS, AND SERVICE**

El Sauz requests that all correspondence, communications, and service concerning this filing be directed to the following persons:<sup>4</sup>

Brandy Copley  
JERA Renewables NA, LLC  
1000 Main Street  
Suite 3100  
Houston, TX 77002-6336

George D. (Chip) Cannon Jr.  
Scott D. Johnson  
Akin Gump Strauss Hauer & Feld LLP  
2001 K Street N.W.  
Washington, D.C. 20006  
Tel: (202) 887-4000  
ccannon@akingump.com  
sdjohnson@akingump.com

**II. DESCRIPTION OF EL SAUZ**

El Sauz is a Delaware limited liability company that is or will be engaged in the business of developing, constructing, owning, operating, maintaining, and/or selling electric capacity, energy, and ancillary services from the El Sauz Ranch Wind Project (the “Project”), an

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<sup>1</sup> 42 U.S.C. §§ 16451-16463 (2018); Pub. L. No. 109-58, §§ 1261-77, 119 Stat. 594, 972-78 (2005).

<sup>2</sup> 18 C.F.R. § 366.7(a) (2021).

<sup>3</sup> *Id.* § 366.1.

<sup>4</sup> El Sauz requests waiver of 18 C.F.R. § 385.203(b)(3) to the extent necessary to allow each person listed to be included on the official service list for this proceeding.

approximately 300 MW<sub>DC</sub> (nameplate) electric power generating facility and associated infrastructure in Willacy County, Texas, and to engage in all other lawful businesses activities consistent with EWG status. El Sauz's principal place of business is c/o JERA Renewables NA, LLC, 1000 Main Street, Suite 3100, Houston, TX 77002-6336. El Sauz is not currently engaged in any business activities other than those associated with the development, financing, construction, ownership, and future operation of the Project.

El Sauz is a direct, wholly-owned subsidiary of El Sauz Ranch Wind TE Co LLC, which is a direct, wholly-owned subsidiary of El Sauz Ranch Wind Hold Co LLC ("HoldCo"). HoldCo is a direct, wholly-owned subsidiary of JERA Renewables NA, LLC ("JERA Renewables"). JERA Renewables is an indirect, wholly-owned subsidiary of JERA Co., Inc. ("JERA").

JERA is jointly owned by Chubu Electric Power Co., Inc. ("Chubu") and TEPCO Fuel & Power, Incorporated ("TEPCO Fuel & Power"). Chubu is organized under the laws of Japan and is publicly traded on the Tokyo Stock Exchange. There are no shareholders that own 10% or more of the interests in Chubu. TEPCO Fuel & Power is a direct, wholly-owned subsidiary of Tokyo Electric Power Company Holdings, Incorporated ("TEPCO"). TEPCO is more than 50% owned by the Nuclear Damage Compensation and Decommissioning Facilitation Corporation ("NDF"), which is owned 50% by the Japanese government and 50% by Japanese nuclear plant operators, including TEPCO. No other owner of TEPCO owns a 10% or greater interest in TEPCO. Other than the Japanese government and TEPCO, no other entity owns a 10% or greater interest in NDF.

### **III. DESCRIPTION OF THE PROJECT**

The Project is under development and currently expected to achieve commercial operation in the fourth quarter of 2022. Once completed, El Sauz will own and operate the Project, which will be comprised of 67 4.5-MW Nordex 155/4500, type 3 wind turbine

generators with an aggregate nameplate capacity of approximately 300 MW<sub>DC</sub> (the “Generating Facility”) and related real property and infrastructure. The Project will include interconnecting transmission facilities necessary to connect the Generating Facility to the AEP Texas Inc. transmission system within the Electric Reliability Council of Texas, Inc. (“ERCOT”) region, and to permit El Sauz to make wholesale sales of electricity, capacity, and ancillary services from the Project.

#### **IV. 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.<sup>5</sup> Pursuant to Section 366.7(a) of the Commission’s regulations, El Sauz makes the following representations to demonstrate that it satisfies the requirements for EWG status:

1. El Sauz represents that it will be engaged directly and exclusively in the business of owning and operating the Project and selling electric energy at wholesale, except to the extent that El Sauz may engage in certain activities incidental to the wholesale sale of electric energy that the Commission has determined do not violate the exclusivity requirement for EWG status. Such incidental activities might include, but are not necessarily limited to:

- the sale of ancillary services;<sup>6</sup>
- the resale or reassignment of excess transmission capacity;<sup>7</sup>
- the purchase and sale of congestion revenue rights needed to operate the Project;<sup>8</sup>

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<sup>5</sup> See 18 C.F.R. § 366.1, which 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.

<sup>6</sup> See, e.g., *Duke Energy Oakland LLC*, 83 FERC ¶ 61,304 (1998); *Sithe Framingham LLC*, 83 FERC ¶ 61,106 (1998).

<sup>7</sup> See, e.g., *Compañía Hidroeléctrica Doña Julia S. De R.L.*, 85 FERC ¶ 61,336 (1998).

- certain project development and financing activities associated with the Project;<sup>9</sup>
- acquiring and trading emission allowances consistent with the Commission's limitation that an EWG only may engage in such trading if the emission allowances originally were obtained in the normal course of operating the facility;<sup>10</sup>
- the sale of "green" power certificates or credits consistent with the Commission's limitation that an EWG may sell such certificates or credits where they are associated with power produced by the facility;<sup>11</sup>
- leasing or renting property to third parties, provided that all revenues above a nominal amount from activities not reasonably incidental to the ownership or operation of the Project and sales of electric energy at wholesale are donated to charity or transferred to a non-affiliate;<sup>12</sup> and
- such other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

2. El Sauz represents that the Project will be an "eligible facility," as defined in Section 32(a)(2) of PUHCA 1935, as incorporated by reference in Section 1262(6) of PUHCA 2005,<sup>13</sup> and Section 366.1 of the Commission's regulations,<sup>14</sup> because the Project will be used for the generation of electric energy exclusively for sale at wholesale.<sup>15</sup>

3. El Sauz represents that the Project will not include any transmission or distribution facilities other than those limited interconnection facilities necessary to interconnect the Project to the transmission grid and to permit the sale of the output of the Project at wholesale.

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<sup>8</sup> See *Duquesne Power, L.P.*, 106 FERC ¶ 61,104 (2004).

<sup>9</sup> See, e.g., *KeySpan-Ravenswood, Inc.*, 88 FERC ¶ 62,073 (1999); *AEP Res. Project Mgmt. Co.*, 74 FERC ¶ 61,202 (1996); *S. Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994).

<sup>10</sup> See *UGI Dev. Co.*, 89 FERC ¶ 61,192 (1999).

<sup>11</sup> See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

<sup>12</sup> See, e.g., *Duke Energy Hot Spring, LLC*, 98 FERC ¶ 61,287 (2002).

<sup>13</sup> 42 U.S.C. § 16451(6).

<sup>14</sup> 18 C.F.R. § 366.1.

<sup>15</sup> In addition to generating facilities, "eligible facilities" include "interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale." 15 U.S.C. § 79z-5a(a)(2) (2000).

4. El Sauz represents that it is not currently engaged in, and has no plans to engage in, any sales of power at retail. All of the electric energy generated by the Project will be sold exclusively at wholesale within ERCOT.

5. El Sauz represents that no portion of the Project is or will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of El Sauz, as such terms are defined in Section 366.1 of the Commission’s regulations.<sup>16</sup>

6. El Sauz represents that there are no existing leasing arrangements involving the Project under which El Sauz is the lessor.

7. El Sauz represents that no rate or charge for, or in connection with, the construction of the Project, or for electric energy to be produced by the Project, was in effect under the laws of any state as of October 24, 1992. As such, no determination or certification by a state commission is necessary prior to certification of El Sauz as an EWG.

## **V. SERVICE**

Pursuant to Section 366.7(a) of the Commission’s regulations,<sup>17</sup> El Sauz is serving a copy of this Notice on the Public Utility Commission of Texas, the state regulatory authority of the state in which the Project is located.

## **VI. CONCLUSION**

Based on the foregoing facts, statements, and representations, El Sauz satisfies the requirements for EWG status.

[Signature Page Follows]

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<sup>16</sup> 18 C.F.R. § 366.1.

<sup>17</sup> *Id.* § 366.7(a).



Respectfully submitted,

/s/ Scott D. Johnson

George D. (Chip) Cannon Jr.

Scott D. Johnson

Akin Gump Strauss Hauer & Feld LLP

2001 K Street, N.W.

Washington, D.C. 20006

Tel: (202) 887-4000

Dated: December 6, 2021

*Counsel for El Sauz Ranch Wind, LLC*

### **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing *Notice of Self-Certification of Exempt Wholesale Generator Status of El Sauz Ranch Wind, LLC* on the Public Utility Commission of Texas.

Dated at Washington, D.C., this 6<sup>th</sup> day of December, 2021.

/s/ Scott D. Johnson

Scott D. Johnson  
Akin Gump Strauss Hauer & Feld LLP  
2001 K Street, N.W.  
Washington, D.C. 20006  
Tel: (202) 887-4218