



Filing Receipt

Filing Date - 2023-05-31 08:05:36 AM

Control Number - 54941

Item Number - 272



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 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: 20608

☒ 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: Sweetwater ESS Assets, LLC

Texas business address: 2621 Old Highway 80

City: Sweetwater **ZIP:** 79556 **Principal place of business:** 2621 Old Highway 80

Email: sweetwater@gorestreetcap.com **Phone:** 332 245 3608

2. Primary Emergency Contact Information

Name: Daniel Sherlock-Burke **Title:** Head of Asset Performance

Address: c/o GSF Americas Inc. Suite 312 2093A Philadelphia Pike

City: Claymont **State:** Delaware **ZIP:** 19703

Email: dburke@gorestreetcap.com **Phone:** +44 204 551 7589

3. Secondary Emergency Contact Information

Name: Daniel Moore **Title:** Asset Manager

Address: c/o GSF Americas Inc. Suite 312 2093A Philadelphia Pike

City: Claymont **State:** Delaware **ZIP:** 19703

Email: dmoore@gorestreetcap.com **Phone:** +44 204 558 0476

4. Regulatory Contact Information

Legal Business Name: GSF Americas Inc. **Title:** John-Michael Cheshire

Email: gsfamericas@gorestreetcap.com **Phone:** 332 245 3608

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

Owner of a battery energy storage system (BESS) which buys/sells electricity in the ERCOT market and provides ancillary services to the ERCOT market.

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)

Names of Corporate Parent(s): GSF Americas Inc.	Type of Business: Incorporated	Percentage of Ownership: 100	Type of Commission registration: N/A
Names of Corporate Parent(s):	Type of Business:	Percentage of Ownership:	Type of Commission registration:
Names of Corporate Parent(s):	Type of Business:	Percentage of Ownership:	Type of Commission registration:

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

Affiliate Name: Westover ESS Assets, LLC	Type of Commission registration: PGC
Affiliate Name: Snyder ESS Assets, LLC	Type of Commission registration: PGC
Affiliate Name:	Type of Commission registration:

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

Project Number: 53385	Item Number: 589
------------------------------	-------------------------

Part D – Applicable to Every Registrant

AFFIDAVIT

(Must be notarized by a public notary)

STATE OF NEW YORK

§

COUNTY OF NEW YORK

§

§

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.

DocuSigned by:
Suminori Arima
ZASSC6387D8D47A...
Signature of Authorized Representative

Sworn and subscribed before me this 26th day of May, 2023
Month ____ Year ____

Suminori Arima

Printed Name

Sweetwater ESS Assets, LLC

Name of Registrant

See Certificate of Authenticity

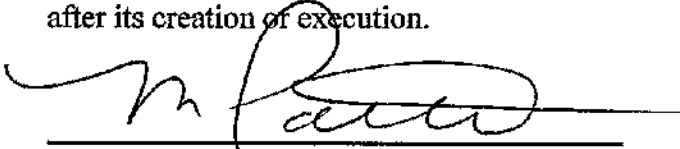
Notary Public in and for the State of NY

Michelle Patalano
Notary Public State of New York
County of New York
Registration No. 01PA0004034
Expires March 03, 2027

CERTIFICATE OF AUTHENTICITY

State of New York)
)ss.:
County of New York)

On this 26th day of May in the year 2023, I certify that the signature page of the attached document is a true and correct copy of the signatures affixed to an electronic record printed by me or under my supervision. I further certify that, at the time of printing, no security features present on the electronic record indicated any changes or errors in an electronic signature in the electronic record after its creation or execution.

A handwritten signature in black ink, appearing to read 'Michelle Patalano', is written over a horizontal line.

Michelle Patalano
Notary Public State of New York
County of New York
Registration No. 01PA0004034
Expires March 03, 2027

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
SWT_BEES_UNIT1	2621 Old Highway 80	Nolan	ONCOR	ERCOT	9.95	Energy storage	

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

Sweetwater ESS Assets, LLC) **Docket No. EG22- -000**

³ Applicant respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) of the Commission's regulations to designate more than two persons for service in this proceeding.

Allison Speaker
Eversheds Sutherland (US) LLP
700 Sixth Street, N.W., Suite 700
Washington, DC 20001-3980
(202) 383-0530 (Telephone)
(202) 637-3593 (Facsimile)
Allisonspeaker@eversheds-sutherland.com

II. DESCRIPTION OF APPLICANT AND FACILITIES

Applicant is a Delaware limited liability company and is a direct wholly owned subsidiary of Perfect Power Solutions Texas, LLC. Sweetwater was formed to develop an approximately 9.95 megawatt (“MW”) battery power generating facility in Nolan County, Texas (“Sweetwater Facility”). Sweetwater received approval from Electric Reliability Council of Texas, Inc. (“ERCOT”) to participate in the ancillary service market on September 22, 2021 and received signed final completion from the EPC contractor on December 30, 2021. The Sweetwater Facility is interconnected with the transmission system owned by Oncor Electric Delivery Company and operated by ERCOT. It consists of battery storage and associated facilities and equipment necessary to generate and sell power at wholesale. The Sweetwater Facility includes electric interconnection facilities necessary to effectuate Sweetwater’s wholesale power sales from the Sweetwater Facility. Sweetwater owns and operates the Sweetwater Facility and buys and sells all of its output exclusively at wholesale.

In connection with owning and operating the Sweetwater Facility, the Applicant may from time to time engage in certain incidental services and activities which the Commission has previously found permissible for EWGs, including: facility development activities;⁴ wholesale power marketing;⁵ sale of ancillary services;⁶ and any other activity that the Commission has

⁴ See, e.g., *Southern Electric Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994).

⁵ See, e.g., *Entergy Power Marketing Corp.*, 73 FERC ¶ 61,063 (1995).

determined, or may in the future determine, to be within the permitted activities of an EWG.

III. SELF-CERTIFICATION OF APPLICANT'S 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 or operating one or more eligible facilities and selling electric energy at wholesale.⁷ A sale of electric energy to a purchaser that resells the power, whether that resale is at wholesale or retail, is a "sale of electric energy at wholesale" as defined in Section 201(d) of the Federal Power Act.⁸ In accordance with Section 366.1 of the Commission's regulations,⁹ Applicant makes the following representations to certify that it satisfies the requirements for EWG status:

1. Applicant is and will continue to be engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities and selling electric energy at wholesale. The Sweetwater Facility is and will continue to be an "eligible facility," as defined in Section 32(a)(2) of PUHCA 1935, because it is and will continue to be used for the generation of electric energy exclusively for sale at wholesale.¹⁰

2. Consistent with Commission precedent defining "eligible facility" under Section 32(a)(2) of PUHCA 1935, Applicant does not and will not own any transmission facilities other than those interconnection facilities that are necessary to effect the wholesale sale of electric energy from the Sweetwater Facility.

3. No portion of the Sweetwater Facility is or will be owned or operated by an

⁶ See, e.g., *Sithe Framingham LLC*, 83 FERC ¶ 61,106 (1998).

⁷ See 18 C.F.R. §§ 366.7 and 366.1. Section 366.1 of the Commission's regulations 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-5a(b)-(d) ("PUHCA 1935"), for purposes of determining whether an entity qualifies for EWG status.

⁸ 16 U.S.C. § 824(d) (2012).

⁹ 18 C.F.R. § 366.1 (2021).

¹⁰ The Commission has found that a battery storage facility can qualify as an "eligible facility" for purposes of EWG status. See e.g., *AES ES Westover LLC*, 131 FERC ¶ 61,008 at P 7 (2010).

electric utility company that is an affiliate or associate company of Applicant, as those terms are defined in Section 366.1 of the Commission's regulations.¹¹

4. No rate or charge for, or in connection with, the construction of the Sweetwater Facility, or for electric energy produced by the Sweetwater Facility, was in effect under the laws of any state on October 24, 1992. As such, no certification or consent by any state is required.

5. There are no, nor will there be any leasing arrangements involving the Sweetwater Facility and any public utility company or any associate company of any public utility company.

IV. NOTICE

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.

V. CONCLUSION

Based on the foregoing, Applicant respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Respectfully Submitted,

/s/ Stephanie Kroger

Stephanie Kroger

Marty Hopkins

Eversheds Sutherland (US) LLP

600 Congress Avenue, Suite 2000

Austin, Texas 78701-3238

(512) 721-2700 (Telephone)

(512) 721-2656 (Facsimile)

Stephaniekroger@eversheds-sutherland.com

Martyhopkins@eversheds-sutherland.com

¹¹ See *Buffalo Gap Wind Farm 2, LLC*, 118 FERC ¶ 61,069, at P 13 (2007) (interpreting Section 32(d)(1) of PUHCA 1935, incorporated into the definition of "exempt wholesale generator" in Section 366.1 of the Commission's regulations, "as not precluding co-ownership (or joint operation) by affiliated EWGs.")

Allison Speaker
Eversheds Sutherland (US) LLP
700 Sixth Street, N.W., Suite 700
Washington, DC 20001-3980
(202) 383-0530 (Telephone)
(202) 637-3593 (Facsimile)
Allisonspeaker@eversheds-sutherland.com

Dated: January 18, 2022

Counsel for Sweetwater ESS Assets, LLC

CERTIFICATE OF SERVICE

I hereby certify that Sweetwater ESS Assets, LLC's foregoing Notice of Self-Certification of Exempt Wholesale Generator Status was served this 18th day of January 2022 upon the Public Utility Commission of Texas.

/s/ Allison E. Speaker

Document Content(s)

Notice of Self-Certification of EWG Status - Sweetwater.pdf.....1

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

CPV Maple Hill Solar, LLC	Docket Nos. EG22-37-000
BT Noble Solar, LLC	EG22-38-000
High Lonesome Storage, LLC	EG22-39-000
Roadrunner Storage, LLC	EG22-40-000
Snyder ESS Assets, LLC	EG22-41-000
Westover ESS Assets, LLC	EG22-42-000
Sweetwater ESS Assets, LLC	EG22-43-000
Swoose II LLC	EG22-44-000
Jicarilla Solar 2 LLC	EG22-45-000
Brazoria West Solar Project, LLC	EG22-46-000
Geysers Power Company, LLC	EG22-47-000

NOTICE OF EFFECTIVENESS OF EXEMPT WHOLESALE
GENERATOR STATUS

(April 14, 2022)

Take notice that during the month of March 2022, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 C.F.R. § 366.7(a) (2021).

Debbie-Anne A. Reese,
Deputy Secretary.

Document Content(s)

EG22-37-000ewgbasketnotice.docx.....1