



Control Number: 54974



Item Number: 287

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UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

2025 FEB 11 AM 9:21  
PUBLIC UTILITY COMMISSION  
FILING CLERK

Cross Trails Energy Storage  
Project, LLC

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Docket No. EG25-\_\_\_\_-000

NOTICE OF SELF-CERTIFICATION OF  
EXEMPT WHOLESALE GENERATOR STATUS

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and Section 366.7 of the Federal Energy Regulatory Commission’s (“FERC” or the “Commission”) regulations,<sup>2</sup> Cross Trails Energy Storage Project, LLC (“Cross Trails”) hereby submits this Notice of Self-Certification of Exempt Wholesale Generator (“EWG”) Status (“Notice”), as defined in Section 366.1 of the Commission’s regulations.<sup>3</sup>

I. COMMUNICATIONS

Communications with regard to this Notice should be addressed to:

Tyler Brown  
Richard H. Griffin  
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555 Eleventh Street, NW  
Suite 1000  
Washington, DC 20004  
Tel: (202) 637-2200  
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<sup>1</sup> 42 U.S.C. §§ 16451, *et seq.*

<sup>2</sup> 18 C.F.R. § 366.7 (2024).

<sup>3</sup> 18 C.F.R. § 366.1.

## **II. DESCRIPTION OF CROSS TRAILS**

Cross Trails is developing, and will own and operate, an approximately 57 MW, 114 MWh battery energy storage facility, together with its associated interconnection facilities (the “Facility”) in Snyder County, Texas. The Facility will be interconnected with the transmission system owned by Golden Spread Electric Cooperative and located in the Electric Reliability Council of Texas (“ERCOT”) balancing authority area (“BAA”).

## **III. REPRESENTATIONS**

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>4</sup> Consistent with the Commission’s regulations, Cross Trails makes the following representations to certify that it will satisfy the requirements for EWG status:

1. Cross Trails will be engaged directly, or indirectly through one or more affiliates as defined in Section 366.1 of the Commission’s regulations, and exclusively in the business of owning, operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.
2. The Facility qualifies as an “eligible facility” because (i) it will be used for the generation of electric energy exclusively for sale at wholesale and (ii) it will include only those interconnecting transmission facilities that are necessary to effect a sale of electric energy at wholesale.

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<sup>4</sup> See 18 C.F.R. §§ 366.7 and 366.1. Section 366.1 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 the purposes of establishing or determining whether an entity qualifies for EWG status.

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 that 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 or portions of the Facility are owned or operated by an electric utility company that is an affiliate or associate company of Cross Trails, as defined in section 366.1 of the Commission's regulations.

As required by Section 366.7(a) of the Commission's regulations, Cross Trails is serving a copy of this Notice with the Public Utility Commission of Texas, which is the state regulatory authority of the state in which the Facility is located.

#### **IV. CONCLUSION**

For the foregoing reasons, Cross Trails satisfies the requirements for EWG status.

Respectfully submitted,

/s/ Tyler Brown

Tyler Brown

Richard H. Griffin

Latham & Watkins LLP

555 Eleventh Street, NW

Suite 1000

Washington, D.C. 20004

*Counsel for Cross Trails Energy Storage  
Project, LLC*

Dated: April 7, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Cross Trails Energy Storage Project, LLC to be served upon the Public Utility Commission of Texas.

Dated at Washington, D.C., this 7th day of April, 2025.

/s/ Richard H. Griffin

Richard H. Griffin  
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