



## **Filing Receipt**

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UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Anson Solar Center 2, 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> as enacted in the Energy Policy Act of 2005<sup>2</sup> and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 18 C.F.R. § 366.7, Anson Solar Center 2, LLC (“Anson Solar”) hereby submits this Notice of Self-Certification as an Exempt Wholesale Generator (“EWG”) (“Notice”), as defined in Section 366.1 of the Commission’s regulations, 18 C.F.R. § 366.1.

**I. COMMUNICATIONS**

Please direct all correspondence and communications regarding this Notice to the individuals indicated below:

Catherine P. McCarthy  
Bracewell LLP  
2001 M Street, NW, Suite 900  
Washington, DC 20036  
(202) 828-5839  
Catherine.McCarthy@bracewell.com  
Faren.Bartholomew@bracewell.com

Tami Walker  
Associate General Counsel  
Grid Scale Renewables  
ENGIE North America Inc.  
1360 Post Oak Blvd, Ste. 400  
Houston, TX 77056  
(713) 636-1082  
Tami.Walker@engie.com

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<sup>1</sup> 42 U.S.C. §§ 16451 *et seq.* (2018).

<sup>2</sup> Pub. L. No. 109-58, 119 Stat. 594 (2005).

Anson Solar requests that the foregoing persons be placed on the official service list for this proceeding.

## **II. PRINCIPAL PLACE OF BUSINESS**

Anson Solar's principal office is:

Anson Solar Center 2, LLC  
c/o ENGIE North America Inc.  
1360 Post Oak Blvd, Ste. 400  
Houston, TX 77056

## **III. DESCRIPTION OF THE APPLICANT AND THE FACILITY**

Anson Solar is a Texas limited liability company that has been formed for the purpose of developing, owning, and operating the Anson Solar Project, an approximately 200 MW solar generation facility and associated interconnection facilities being constructed in Jones County, Texas (the "Eligible Facility"). The Eligible Facility will include an approximately one mile 345 kV gen-tie line to the Eligible Facility's interconnection with the grid. Specifically, the Eligible Facility will be interconnected with the electric transmission system of Lone Star Transmission, LLC within the Electric Reliability Council of Texas ("ERCOT") balancing authority area. The Eligible Facility has an expected in-service date of December 31, 2025.

Anson Solar is a direct subsidiary of ENGIE Renewables NA LLC. ENGIE Renewables NA LLC is a direct subsidiary of ENGIE North America Inc. ENGIE North America Inc. is a direct subsidiary of ENGIE Holdings Inc., which is a direct subsidiary of ENGIE Énergie Services International S.A., which in turn is a direct subsidiary of ENGIE S.A. ("ENGIE"). ENGIE is a French *société anonyme* listed on the Brussels and Paris stock exchanges.<sup>3</sup> Among other things, ENGIE holds ownership

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<sup>3</sup> The French Republic (France) owns stock in ENGIE representing 23.64% of the share capital and 33.41% of the share

interests in a number of energy-related subsidiaries which, internationally, engage in: the production, transmission, and distribution of electricity; power marketing; production, transportation, and distribution of natural gas; the transport and distribution of liquefied natural gas; and the development and ownership of energy projects. ENGIE's energy-related subsidiaries operate in Europe, North America, South America, Africa, Asia, Australia, and the Middle East.

Once operational, Anson Solar will sell the electrical output of the Eligible Facility exclusively at wholesale into the markets administered by ERCOT. Anson Solar's sole business is owning and operating the Eligible Facility.

#### **IV. REPRESENTATIONS**

Pursuant to Section 366.1 of the Commission's regulations, Anson Solar makes the following representations in support of its notice of self-certification of EWG status:

1. Anson Solar represents that it will be engaged directly, and exclusively, in the business of owning and having operational control of the Eligible Facility and selling, at wholesale, electric energy and other power services the Eligible Facility is capable of producing.
2. The facility being developed by Anson Solar will be an "eligible facility" because (i) it is used for the generation of electric energy exclusively for sale at wholesale;<sup>4</sup> and (ii) it includes only those limited and discrete interconnecting transmission facilities that are necessary to effect a sale of electric energy, capacity, or ancillary services, as applicable, at wholesale.
3. All of the electric energy discharged from the Eligible Facility will be sold within the United States exclusively at wholesale. Anson Solar will not make domestic or foreign sales at retail.
4. No rate or charge for, in connection with, the construction of the Eligible Facility, or for electric energy produced by the Eligible Facility, was in effect under the laws of the State of Texas, or any other State, on October 24, 1992. Therefore, no determinations are required to be made by any state commission prior to this self-certification of exempt wholesale generator status becoming effective.

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voting rights. No other shareholder owns or controls a 10% or greater voting interest in ENGIE.

<sup>4</sup> Anson Solar may engage in the sale of ancillary services as a by-product that is incidental to the wholesale electric energy sales from the Eligible Facility, as permitted by the Commission. *See, e.g., DTE Pontiac N. LLC*, 121 FERC ¶ 61,037 (2007); *see also, Sithe Framingham, LLC, et al.*, 83 FERC ¶ 61,106 (1998).

5. The Eligible Facility does not include transmission or distribution facilities other than those interconnection facilities necessary to permit the Eligible Facility to connect to the existing transmission grid.
6. Anson Solar does not own or operate any portion of a facility that is partially owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Anson Solar, as those terms are defined in Section 366.1 of FERC’s regulations, 18 C.F.R. § 366.1.
7. There are no leasing arrangements of any kind involving a public utility company or an affiliate or associate company of a public utility company.
8. Sales of electric energy generated and other power services the Eligible Facility is capable of producing will be consistent with the instant self-certification of EWG status sought by Anson Solar.
9. Anson Solar will not sell electric capacity or energy to an affiliated electric utility company.
10. Anson Solar may engage in activities the Commission has previously determined to be “incidental” to an EWG’s primary business of owning and operating eligible facilities and selling electric energy exclusively at wholesale, including, but not necessarily limited to:
  - a. wholesale marketing and brokering of electric energy that Anson Solar has not generated;<sup>5</sup>
  - b. selling or reselling ancillary services and interconnected operations services at wholesale, such as operating reserves (spinning and supplemental reserves), reactive supply and voltage control, regulation and frequency response, energy imbalance, real power loss service, backup supply service, and restoration service, consistent with Commission precedent construing the exclusivity requirements of Section 32 of PUHCA 2005;<sup>6</sup>
  - c. the sale of the byproducts of the generation of electric energy;<sup>7</sup>
  - d. delivering fuel to third parties to generate electric power to be delivered by that third party to Anson Solar for sale at wholesale;<sup>8</sup>
  - e. entering into contracts for transmission capacity solely to the extent necessary to effect sales at wholesale of electricity generated by Anson Solar or others;<sup>9</sup>
  - f. reselling or reassigning excess transmission capacity originally obtained to effect a wholesale sale of electric energy;<sup>10</sup>
  - g. the purchase and sale of congestion revenue rights that Anson Solar needs for the Eligible Facility’s power sale operations;<sup>11</sup>

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<sup>5</sup> See, e.g., *Entergy Power Mktg. Corp.*, 73 FERC ¶ 61,063 (1995); *LG&E Power Mktg., Inc.*, 67 FERC ¶ 61,083 (1994).

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

<sup>7</sup> See *Richmond Power Enter., L.P., et al.*, 62 FERC ¶ 61,157 (1993).

<sup>8</sup> See *CNG Power Serv. Corp.*, 71 FERC ¶ 61,378 (1995); *Southern Energy Mktg., Inc.*, 71 FERC ¶ 61,376 (1995).

<sup>9</sup> See *CNG Power Serv. Corp.*, 71 FERC ¶ 61,026, at pp. 61,103-104 (1995).

<sup>10</sup> See e.g., *id.* and *Compañía Hidroeléctrica Doña Julia S. De R.L.*, 85 FERC ¶ 61,336 (1998).

<sup>11</sup> See *Duquesne Power, L.P.*, 106 FERC ¶ 61,104 (2004).

- h. entering into financial contracts, consistent with FERC EWG precedent;<sup>12</sup>
  - i. trading environmental attributes associated with the normal operations of the Eligible Facility;<sup>13</sup>
  - j. sales of spare parts and/or equipment originally acquired in connection with the ownership and operation of the Eligible Facility when such spare parts and/or equipment have become excess to Anson Solar's needs;<sup>14</sup>
  - k. engaging in development activities, such as developing and constructing additional generating facilities;<sup>15</sup>
  - l. leasing or renting property to third parties, provided that all revenues from such activity not reasonably incidental to the ownership or operation of the Eligible Facility and sales of electric energy at wholesale are at a nominal amount or no compensation;<sup>16</sup>
  - m. entering into agreements relating to facilities to be shared with other entities and used in the operation of eligible facilities, as consistent with FERC EWG precedent;<sup>17</sup>
  - n. entering into agreements related to real property for purposes of using that real property to construct and operate the Eligible Facility;<sup>18</sup> and
  - o. such other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.
11. Anson Solar will notify the Commission of any material change in facts that may affect its eligibility for EWG status in accordance with the procedures set forth in 18 C.F.R. § 366.7(c).

## V. SERVICE

A copy of this Notice has been served, on this day, to the Public Utility Commission of Texas, the state regulatory authority in the state in which the Eligible Facility is located.

<sup>12</sup> See *Sithe/Independence Power Partners, L.P.*, 101 FERC ¶ 61,287 (2002).

<sup>13</sup> See *UGI Dev. Co.*, 89 FERC ¶ 61,192 (1999).

<sup>14</sup> See e.g., *Blue Spruce Energy Ctr., LLC*, 105 FERC ¶ 61,059 (2003).

<sup>15</sup> See, e.g., *Empresa Valle Hermoso, S.A.*, 72 FERC ¶ 61,306 at p. 62,288 (1995).

<sup>16</sup> See, e.g., *Duke Energy Hot Spring, LLC*, 98 FERC ¶ 61,287 (2002); *PSEG Fossil, LLC*, 95 FERC ¶ 61,405 (2001).

<sup>17</sup> See *Hardee Power Partners, Ltd.*, 104 FERC ¶ 61,327 at P 11 (2003).

<sup>18</sup> See *DTE Pontiac*, 121 FERC ¶ 61,037, at P 7 n. 6.

## VI. CONCLUSION

For the foregoing reasons, Anson Solar respectfully requests that the Commission accept this Notice of Self-Certification as an Exempt Wholesale Generator.

Respectfully submitted,

/s/ Tami Walker

Tami Walker  
Associate General Counsel  
Grid Scale Renewables  
ENGIE North America Inc.  
1360 Post Oak Blvd, Ste. 400  
Houston, TX 77056  
(713) 636-1082  
Tami.Walker@engie.com

/s/ Catherine P. McCarthy

Catherine P. McCarthy  
Faren M. Bartholomew  
Bracewell LLP  
2001 M Street, NW, Suite 900  
Washington, DC 20036  
(202) 828-5839  
Faren.Bartholomew@bracewell.com  
Catherine.McCarthy@bracewell.com

*Counsel for Anson Solar Center 2, LLC*

Dated: June 9, 2025

### **CERTIFICATE OF SERVICE**

I hereby certify that I have, on this day, caused the foregoing document to be served electronically, upon the Public Utility Commission of Texas.

/s/ Faren Bartholomew

Faren Bartholomew  
Bracewell LLP  
2001 M Street, NW, Suite 900  
Washington, DC 20036  
(202) 828-5814  
Faren.Bartholomew@bracewell.com

Dated: June 9, 2025