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

BRP Tortolas BESS LLC

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Docket No. EG23-____-000

**NOTICE OF SELF-CERTIFICATION OF
EXEMPT WHOLESALE GENERATOR STATUS**

Pursuant to the Public Utility Holding Company Act of 2005¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (“Commission”),² BRP Tortolas BESS LLC (“Company”) hereby submits this notice of self-certification (“Notice”) as an exempt wholesale generator (“EWG”), as defined in Section 366.1 of the Commission’s regulations.³

I. COMMUNICATIONS

All correspondence and communications regarding this Notice should be addressed and directed to the following persons:⁴

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¹ Pub. L. No. 109-58, §§ 1261-1277, 119 Stat. 594, 972-78 (2005).

² 18 C.F.R. § 366.7 (2022).

³ *Id.* § 366.1.

⁴ The Company requests waiver of Rule 203(b)(3), 18 C.F.R. § 385.203(b)(3), so that a copy of any communications in this proceeding may be served on all persons listed above.

II. DESCRIPTION OF THE COMPANY

The Company is a Delaware limited liability company that is developing and will own and operate a 50 megawatt (“MW”) (nameplate) battery storage project (“Facility”) that will be located in Brazoria County, Texas. The Facility will interconnect with the transmission system owned by Texas-New Mexico Power Company and operated by the Electric Reliability Council of Texas, Inc. (“ERCOT”). The Facility will be comprised of a battery energy storage system and associated facilities and equipment necessary to store and sell power at wholesale. The Facility will also include electric interconnection facilities necessary to effectuate the Company’s wholesale power sales from the Facility. The Company will sell all of the Facility’s output exclusively at wholesale within the ERCOT control area. It is anticipated that the Facility will achieve commercial operation in the first quarter of 2024.

III. REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

1. The Company is 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 or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.⁵
2. The Facility is an “eligible facility” because (i) it is used for the generation of electric energy exclusively for sale at wholesale; and (ii) it includes only those interconnecting transmission facilities that are necessary to effect a sale of electric energy at wholesale.

⁵ Consistent with Commission precedent, the Company may engage in one or more activities that are incidental to the sale of electric energy from an eligible facility. For example, the Company may engage in the sale of ancillary services as a by-product that is incidental to the wholesale sales of electric energy from the Facility, as permitted by the Commission in *Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998). In addition, the Company may engage in the sale of renewable energy credits (“RECs”) associated with the electricity produced by the Facility. *See Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

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 which 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 of the Facility is owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of the Company, as defined in Section 366.1 of the Commission’s regulations, other than an affiliate or associate company that is an EWG.

IV. STATE COMMISSION NOTIFICATION

As required by Section 366.7(a) of the Commission’s regulations, concurrently with the filing of this Notice with the Commission, the Company is serving a copy of this Notice to the Public Utility Commission of Texas, the state regulatory authority of the state in which the Facility is located.

V. CONCLUSION

Based on the foregoing facts and representations, the Company respectfully requests that the Commission accept this notice of self-certification of EWG status.

Respectfully submitted,

/s/ Adam Wenner

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