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

St. Gall Energy Storage I LLC) Docket No. EG23-____-000

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”), enacted as part of the Energy Policy Act of 2005,¹ and Section 366.7 of the Rules and Regulations of the Federal Energy Regulatory Commission (“Commission”),² St. Gall Energy Storage I LLC (“Applicant” or “St. Gall”) hereby submits this Notice of Self-Certification of Exempt Wholesale Generator (“EWG”) Status.

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and service related to this Notice of Self-Certification of EWG Status should be directed to:³

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¹ Energy Policy Act of 2005, Pub. L. No. 109-58, §§ 1261-77, 119 Stat. 594, 972-78 (2005).

² 18 C.F.R. § 366.7 (2023).

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.

II. DESCRIPTION OF APPLICANT AND FACILITIES

Applicant is a Delaware limited liability company and is a subsidiary of Jupiter Power LLC. St. Gall Energy Storage I LLC was formed to develop an approximately 100 megawatt (“MW”) battery power generating facility in Pecos County, Texas (“St. Gall Facility”). The St. Gall Facility is currently under construction, with an anticipated commercial operation date of approximately January 1, 2024. The St. Gall Facility will be interconnected with the transmission system owned by Texas-New Mexico Power Company and operated by the Electric Reliability Council of Texas, Inc. It will consist of battery storage and associated facilities and equipment necessary to generate and sell power at wholesale. The St. Gall Facility will include electric interconnection facilities necessary to effectuate St. Gall’s wholesale power sales from the St. Gall Facility. St. Gall will own and operates the St. Gall Facility and will buy and sell all of its output exclusively at wholesale.

In connection with owning and operating the St. Gall 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 determined, or may in the future determine, to be within the permitted activities of an EWG.

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).

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

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 will 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 St. Gall Facility will be an "eligible facility," as defined in Section 32(a)(2) of PUHCA 1935, because it will 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 St. Gall Facility.

3. No portion of the St. Gall Facility is or will be owned or operated by an electric utility company that is an affiliate or associate company of Applicant, as those terms are defined

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 (2023).

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).

in Section 366.1 of the Commission's regulations.¹¹

4. No rate or charge for, or in connection with, the construction of the St. Gall Facility, or for electric energy produced by the St. Gall 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 St. Gall 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/ Marty Hopkins
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Dated: October 18, 2023

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.")

CERTIFICATE OF SERVICE

I hereby certify that St. Gall Energy Storage I LLC's foregoing Notice of Self-Certification of Exempt Wholesale Generator Status was served this 18th day of October 2023 upon the Public Utility Commission of Texas.

/s/ Melvena Rhetta-Fair