



Filing Receipt

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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 checked="" 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 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: _____

☐ 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: Imperial Power Plant LLC

Business address: 2505 Kolbe Reach Ln

City: Houston	State: TX	ZIP: 77080-2559
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Business email: edward.torres@rddenergy.com	Business phone: 832-525-9633
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Physical address (i.e. not a P.O. box), if different than business address. If the physical address is the same as the business address, enter "N/A". A single physical address provided under this section may be used for the Primary and Secondary Emergency Contacts , as required by 16 TAC §25.109(c)(1)(B).

N/A

City:	State:	ZIP:
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2. Primary Emergency Contact Information

Name: Edward Torres	Title: Managing Director
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Business address: 2505 Kolbe Reach Ln

City: Houston	State: TX	ZIP: 77080-2559
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Email: edward.torres@rddenergy.com	Phone: 832-525-9633
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3. Secondary Emergency Contact Information

Name: Martin Parizek	Title: Managing Director
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Business address: 2505 Kolbe Reach Ln

City: Houston	State: TX	ZIP: 77080-2559
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Email: martin.parizek@rddenergy.com	Phone: 617-898-7874
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4. Regulatory Contact Information

Name: Edward Torres	Title: Managing Director
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Email: edward.torres@rddenergy.com	Phone: 832-525-9633
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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

Wholesale Power Generation

6. For qualified facilities and exempt wholesale generators, provide as an attachment a copy of any Federal Energy Regulatory Commission (FERC) registrations

- ☐ Registrant is a qualified facility and has attached a copy of a FERC registration.
- ☒ Registrant is an exempt wholesale generator and has attached a copy of a FERC registration.
- ☐ Registrant is not a qualified facility or exempt wholesale generator.

Part C - Applicable to Registration of Power Generation Companies

7. Names and, if applicable, the Commission registration 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: Reliability Design and Development, LLC	Type of Commission registration (if applicable): N/A
Names of Corporate Parent:	Type of Commission registration (if applicable):
Names of Corporate Parent:	Type of Commission registration (if applicable):

8. Names of the registrant's affiliates and affiliates of the registrant's corporate parent identified by name that buy and sell electricity at wholesale in Texas, sell electricity at retail in Texas, or is an electric cooperative or municipally owned utility in Texas (add additional pages as attachments as necessary)

Affiliate Name: Pecos Power Plant, LLC	Type of Commission registration (if applicable): Power Generation Company
Affiliate Name:	Type of Commission registration (if applicable):
Affiliate Name:	Type of Commission registration (if applicable):

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

Project Number: **53385**

Item Number: **2452**

Part D – Applicable to Every Registrant

AFFIDAVIT

(Must be notarized by a public notary)

STATE OF MA
COUNTY OF Middlesex

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§
§

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** and swear and affirm that either:

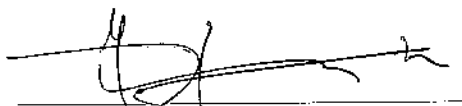
- ◆ (A) the company
 - (i) is not a power generation company; and
 - (ii) does not intend to generate electricity intended to be sold at wholesale; or
- ◆ (B) if the company is a QF
 - (i) the company either does not sell electricity; or
 - (ii) provides electricity only to the purchaser of the facility's thermal output.

☒ 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 16 Texas Administrative Code § 25.5; and
- ◆ (C) Does not have a certificated service area.

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 for misconduct within the prior six months of 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.



Signature of Authorized Representative

Martin Parizek

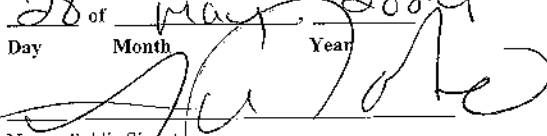
Printed Name

Imperial Power Plant LLC

Name of Registrant

Sworn and subscribed before me this

28 of May, 2024
Day Month Year



Notary Public Signature

Notary Public in and for the State of

Massachusetts



LAURIE POLAND
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
August 9, 2024

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
TBD	1 Circle Dr. Sugar Land, TX 77498	Fort Bend	CenterPoint Energy	ERCOT Houston	147.6 MW	Natural Gas	N/A

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

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

Imperial Power Plant, LLC

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Docket No. EG24-184-000

**NOTICE OF SELF-CERTIFICATION OF EXEMPT WHOLESALE GENERATOR
STATUS OF IMPERIAL POWER PLANT, LLC**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”),¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (“Commission”),² Imperial Power Plant, LLC (“Company”) submits this notice of self-certification (“Notice”) of its status as an “exempt wholesale generator” (“EWG”) as defined in Section 366.1 of the Commission’s regulations.³ In support of this Notice, Company states as follows:

I. CORRESPONDENCE, COMMUNICATIONS, AND SERVICE

Company requests that all correspondence, communications, and service concerning this Notice be directed to the following persons, and that their names and addresses be placed on the official service list for this proceeding:⁴

Todd Kimbrough
Balch & Bingham LLP
919 Congress Avenue, Suite 840
Austin, TX 78701
t: (512) 583-1711
e: tkimbrough@balch.com

Edward Torres
Imperial Power Plant, LLC
2505 Kolbe Reach Ln.
Houston TX 77080-2559
t: 832-525-9633
e: edward.torres@rddenergy.com

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

² 18 C.F.R. § 366.7.

³ *Id.* § 366.1.

⁴ Company requests waiver of 18 C.F.R. § 385.203(b)(3) to the extent necessary to allow each person listed to be included on the official service list for this proceeding.

II. DESCRIPTION OF COMPANY

The Company owns a natural gas power generation facility under development in Reeves County, Texas ("Facility"). The Facility will interconnect to the transmission system owned and operated by Texas New Mexico Power Company ("TNMP"). The Facility will execute a long-term operation and optimization agreement for its entire capacity with a power marketer prior to commercial operation. Company will sell the physical energy into the Electric Reliability Council of Texas ("ERCOT") market through a power marketer. The Facility is expected to begin charging and discharging test energy in April 2027. The Company will sell the Facility's electrical output exclusively at wholesale into the markets administered by ERCOT. The Company's sole business is owning and operating the Facility. The Facility will be comprised of reciprocating internal combustion engines; associated communication, protection, and supervisory equipment; access roads; and real property interests. The Facility will also include electric interconnection facilities necessary to effectuate the Company's wholesale power sales from the Facility. The Company intends to provide wholesale power generation and ancillary services in the markets operated by ERCOT.

III. REPRESENTATIONS REGARDING EWG STATUS

Pursuant to Section 366.7(a) of the Commission's regulations, Company makes the following representations to demonstrate that it satisfies the requirements for EWG status:

1. Company represents that it will be engaged exclusively in the business of owning and operating the Facility and selling electric energy at wholesale, except to the extent that Company may engage in certain activities incidental to the wholesale sale of electric energy that the Commission has determined do not violate the exclusivity requirement for EWG status. Such incidental activities might include, but are not necessarily limited to:

- the sale of ancillary services;⁵
- the resale or reassignment of excess transmission capacity;⁶
- the purchase and sale of congestion revenue rights needed to operate the Facility;⁷
- certain project development, financing, and construction activities associated with the Facility;⁸
- entering into agreements related to real property for purposes of using that real property to construct and operate the eligible facility;⁹
- leasing or renting property to third parties, provided that all revenues above a nominal amount from activities not reasonably incidental to the ownership or operation of the Facility and sales of electric energy at wholesale are donated to charity or transferred to a non-affiliate;¹⁰
- entering into agreements relating to facilities to be shared with an affiliated EWG or EWGs or other entities and used in the operation of eligible facilities;¹¹
- entering into financial contracts, consistent with FERC EWG precedent;¹² or
- such other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

⁵ See, e.g., *Duke Energy Oakland, LLC*, 83 FERC ¶ 61,304 (1998); *Sithe Framingham LLC*, 83 FERC ¶ 61,106 (1998).

⁶ See, e.g., *Compañía Hidroeléctrica Doña Julia S. De R.L.*, 85 FERC ¶ 61,336 (1998).

⁷ See *Duquesne Power, L.P.*, 106 FERC ¶ 61,104 (2004).

⁸ See *KeySpan-Ravenswood, Inc.*, 88 FERC ¶ 62,073 (1999); *AEP Res., Project Mgmt. Co.*, 74 FERC ¶ 61,202 (1996); *Southern Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Empresa Valle Hermoso, S.A.*, 72 FERC ¶ 61,306 at p. 62,288 (1995).

⁹ See *DTE Pontiac N. LLC*, 121 FERC ¶ 61,037 at P 7 n.6 (2007).

¹⁰ See, e.g., *Duke Energy Hot Spring, LLC*, 98 FERC ¶ 61,287 (2002).

¹¹ See *Buffalo Gap* at PP 2, 14 & n.3; AV Solar Ranch Notice of Effectiveness.

¹² As mentioned above, consistent with EWG precedent, the Company has entered into a virtual power purchase agreement / contract for differences that corresponds to a portion of Facility output and intends to enter into another contract for the remainder of the output. See *Sithe/Independence Power Partners, L.P.*, 101 FERC ¶ 61,287 (2002).

2. Company represents that the Facility will be an “eligible facility,” as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935, as incorporated by reference in Section 1262(6) of PUHCA 2005¹³ and Section 366.1 of the Commission’s regulations,¹⁴ because the Facility will be used for the discharge of electric energy exclusively for sale at wholesale.¹⁵

3. Company represents that the Facility will not include any transmission or distribution facilities other than those interconnecting transmission facilities necessary to interconnect the Facility to the transmission grid and to permit the sale of the output of the Facility at wholesale.

4. Company represents that it is not currently engaged in, and has no plans to engage in, foreign or domestic sales of power at retail. All of the electric energy discharged by the Facility will be sold exclusively at wholesale within the United States.

5. Company represents that no portion of the Facility is or will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Company, as such terms are defined in Section 366.1 of the Commission’s regulations,¹⁶ other than an affiliated EWG.

6. Company represents that there are no existing leasing arrangements involving the Facility under which Company is the lessor.

¹³ 42 U.S.C. § 16451(6) (2012).

¹⁴ 18 C.F.R. § 366.1.

¹⁵ In addition to generating facilities, “eligible facilities” include “interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale.” 15 U.S.C. § 79z-5a(a)(2) (2000).

¹⁶ 18 C.F.R. § 366.1.

7. Company represents that no rate or charge for, or in connection with, the construction of the Facility, or for electric energy to be produced by the Facility, was in effect under the laws of any state as of October 24, 1992. As such, no determination or certification by a state commission is necessary prior to certification of Company as an EWG.

IV. SERVICE

Pursuant to Section 366.7(a) of the Commission's regulations,¹⁷ Company is serving a copy of this Notice on 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, statements, and representations, Company satisfies the requirements for EWG status.

¹⁷ *Id.* § 366.7(a).

Respectfully submitted,

/s/ Todd Kimbrough

Todd Kimbrough
Balch & Bingham LLP
919 Congress Avenue, Suite 840
Austin, TX 78701
t: (512) 583-1711
e: tkimbrough@balch.com

Attorney for Imperial Power Plant, LLC

Dated: May 21, 2024

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing *Notice of Self-Certification of Exempt Wholesale Generator Status of Imperial Power Plant, LLC* on the Public Utility Commission of Texas.

Dated at Austin, TX this 21st day of May 2024.

/s/ Todd Kimbrough

Todd Kimbrough

Balch & Bingham LLP

919 Congress Avenue, Suite 840

Austin, TX 78701

Document Content(s)

Imperial Power Plant- EWG Self-Certification.pdf1