

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

63SU 8ME LLC

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Docket No. EG16-____-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 (“FERC” or the “Commission”),² 63SU 8ME LLC (“Applicant”) hereby submits this Notice of Self-Certification of Exempt Wholesale Generator (“EWG”) Status based on its development, ownership, and expected operation of an approximately 155 MW (nameplate) solar-powered electric generating facility located in Kern County, California.

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this Notice shall be directed to:³

¹ EPAct 2005, Pub. L. No. 109-58, 1261-80, 119 Stat. 594 (2005).

² 18 C.F.R. § 366.7 (2015).

³ To the extent necessary, Applicant respectfully requests waiver of Section 385.203(b)(3) of the Commission’s regulations, 18 C.F.R. § 385.203(b)(3), in order to permit designation of such persons for service.

Nathan Thomas
Chief Compliance Officer
The D. E. Shaw Group
1166 Avenue of the Americas
Ninth Floor
New York, NY 10036
Tel: (212) 478-0000
regulatory@deshaw.com

Michael J. Gergen
Tyler Brown
Joshua W. Marnitz
Latham & Watkins LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004
Tel: (202) 637-2200
michael.gergen@lw.com
tyler.brown@lw.com
joshua.marnitz@lw.com

II. DESCRIPTION OF APPLICANT

Applicant is developing, will own, and expects to operate the Springbok 2 Solar Project, an approximately 155 MW (nameplate) solar-powered electric generating facility located in Kern County, California (the “Facility”). Applicant also owns certain transmission facilities necessary to interconnect the Facility to a substation and to a 3.2 mile, 230 kV generator tie-line. Applicant will share ownership of a portion of the substation and the 3.2 mile, 230 kV generator tie-line (the “Shared Interconnection Facilities”) with other co-located electric generating facilities still in development pursuant to a Co-Tenancy and Shared Facilities Agreement.⁴ Applicant will use its undivided interest in the Shared Interconnection Facilities to transmit electricity from the Facility to the point of interconnection with the electric transmission system owned by the Los Angeles Department of Water and Power (“LADWP”) within the LADWP balancing authority area.

The output of the Facility is fully committed under a 27-year power purchase agreement with the Southern California Public Power Authority expiring in 2043. On April 8, 2016, Applicant filed an application for market-based rate authorization, including blanket authorization to issue securities pursuant to Section 204 of the FPA, and requested an effective

⁴ Prior to obtaining any undivided interests in the Shared Interconnection Facilities under the Co-Tenancy and Shared Facilities Agreement, the facilities currently in development shall secure all necessary FERC authorizations, if any.

date for its market-based rate tariff of June 7, 2016.⁵ In response to an informal request from FERC staff, Applicant filed a revised market-based rate tariff making certain ministerial changes on May 6, 2016, and requested a new effective date for its market-based rate tariff of June 1, 2016.⁶ Applicant expects to place the Facility into commercial operation during the third quarter of 2016.

III. SELF CERTIFICATION OF 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 and/or operating one or more eligible facilities and selling electric energy at wholesale.⁷ Consistent with the Commission's regulations, Applicant makes the following representations to certify that it will satisfy the requirements for EWG status:

1. Applicant will be engaged directly 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, and the Facility will satisfy the definition of an "eligible facility" under Section 32(a)(2) of PUHCA 1935 because it will be used for the generation of electric energy exclusively for sale at wholesale.⁸

⁵ 63SU 8ME LLC, Docket No. ER16-1371-000.

⁶ 63SU 8ME LLC, Docket No. ER16-1371-001. Pursuant to Section 35.11 of the Commission's regulations, 18 C.F.R. § 35.11 (2016), Applicant also requested a shortened comment period and waiver of the 60-day prior notice filing requirement to accommodate the requested effective date. 18 C.F.R. § 35.3 (2016).

⁷ 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-5a(b)-(d) ("PUHCA 1935"), for the purposes of establishing or determining whether an entity qualifies for EWG status.

⁸ Applicant may be engaged in the sale of ancillary services as a by-product that is incidental to the wholesale electric energy sales from the Facility, as permitted by the Commission in *Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998). In addition, Applicant may be engaged in the sale of renewable energy credits ("RECs") associated with the electricity produced by the Facility. The Commission has determined that the sale of RECs associated with an eligible facility is an activity incidental to an EWG's business of owning and operating an eligible facility and selling electricity at wholesale. See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

2. Applicant will not own any transmission facilities other than those interconnection facilities that are necessary to effect the wholesale sale of electric energy from the Facility, consistent with Commission precedent construing the definition of “eligible facility” under Section 32(a)(2) of PUHCA 1935.
3. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced thereby, was in effect under the laws of any State on October 24, 1992 and, therefore, no State determination is required with respect to this filing.
4. There are no lease arrangements through which Applicant will lease the Facility to a public utility company or any other party.
5. Applicant does not sell electricity at retail to any customer. Accordingly, the Facility does not rely on the exception provided by Section 32(b) of PUHCA 1935 regarding foreign sales of power at retail.
6. No portion of the Facility will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Applicant as those terms are defined in PUHCA 2005.

In accordance with Section 366.7(a) of the Commission’s regulations, a copy of this Notice is concurrently being served upon the California Public Utilities Commission. A form of notice of Applicant’s notice of self-certification suitable for publication in the *Federal Register* is also attached.

IV. CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Respectfully submitted,

/s/ Michael J. Gergen

Michael J. Gergen

Tyler Brown

Joshua W. Marnitz

Latham & Watkins LLP

555 Eleventh Street, NW, Suite 1000

Washington, DC 20004

Counsel for 63SU 8ME LLC

Dated: May 23, 2016

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

63SU 8ME LLC

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Docket No. EG16-___-000

NOTICE OF FILING

Take notice that on May 23, 2016, pursuant to the Public Utility Holding Company Act of 2005, and section 366.7 of the regulations of the Federal Energy Regulatory Commission (FERC or Commission), 18 C.F.R. § 366.7 (2015), 63SU 8ME LLC (Applicant) submitted a notice of self-certification as an exempt wholesale generator, as defined in section 366.1 of the Commission's regulations, 18 C.F.R. § 366.1.

Applicant is constructing and will own or lease and operate an approximately 155 MW (nameplate) solar-powered electric generating facility located in Kern County, California (Facility). The Facility will be interconnected to the transmission system owned and operated by the Los Angeles Department of Water and Power.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on _____, 2016.

Kimberly D. Bose
Secretary