

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

Balko Wind, LLC

)

Docket No. ER15-___-000

**APPLICATION OF BALKO WIND, LLC FOR ORDER
ACCEPTING MARKET-BASED RATE TARIFF FOR FILING
AND GRANTING WAIVERS AND BLANKET APPROVALS**

Balko Wind, LLC (“Applicant”) hereby files this application (“Application”) for an order accepting for filing Applicant’s tariff for sales of electric energy at wholesale in interstate commerce pursuant to Section 205 of the Federal Power Act (“FPA”),¹ Rules 205 and 207 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC or Commission”),² and Part 35 of the Commission’s regulations under the FPA.³ Applicant requests: (1) that the Commission accept its market-based rate tariff effective March 31, 2015, which is 41 days from the date of this filing; (2) waiver of certain Commission regulations under the FPA; and (3) the granting of certain blanket approvals.

I. COMMUNICATIONS

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¹ 16 U.S.C. § 824d (2012).

² 18 C.F.R. §§ 385.205 and 385.207 (2014).

³ *Id.* pt. 35.

II. LIST OF DOCUMENTS SUBMITTED WITH THIS APPLICATION

Applicant includes the following attachments with this Application:

- Proposed FERC Electric Tariff (Attachment A and filed concurrently in RTF format);
- Tables listing affiliates that have market-based rate authority, all generation assets owned or controlled by Applicant and its affiliates, and all electric transmission facilities and natural gas intrastate pipelines and/or gas storage facilities owned or controlled by Applicant and its affiliates, in the format prescribed in Appendix B to 18 C.F.R. Part 35, Subpart H (Attachment B); and
- Horizontal market power indicative screens for the relevant markets (Attachment C).

III. DESCRIPTION OF APPLICANT

Applicant is a Delaware limited liability company that is developing and will own and operate an approximately 299.7 MW (nameplate) wind-powered electric generation facility located in Beaver County, Oklahoma (“Facility”). The Facility is interconnected via a 345kV, and approximately five mile, transmission line (“Interconnection Customer Interconnection Facilities”) to the electric transmission system owned by Oklahoma Gas and Electric Company (“OGEC”) within the Southwest Power Pool, Inc. (“SPP”) market area (“SPP Market”). It is expected to begin sales of electric energy for testing purposes on or about April 1, 2015. Applicant’s sole business is developing, owning, and operating the Facility and Interconnection Customer Interconnection Facilities. Applicant plans to file with the Commission a notice of Applicant’s status as an exempt wholesale generator. Applicant is committed to sell the full output of the Facility under 20-year power purchase agreements with two non-affiliates: Public Service Company of Oklahoma (“PSCO”) and Western Farmers Electric Cooperative (“WFEC”).⁴ Applicant will own no transmission facilities other than the Interconnection Customer Interconnection Facilities.

⁴ The power purchase agreement with WFEC, representing an output of 100 MW of the Facility’s approximately 300 MW of capacity, commences at the commercial operation date. The power purchase agreement with PSCO, representing an output of 200 MW of the Facility’s approximately 300 MW of capacity, commences in January 2016.

Applicant is a wholly-owned subsidiary of DESRI VI Balko Wind Holdings, L.L.C., a Delaware limited liability company (“Holdco”). Holdco is an indirect, wholly owned subsidiary of DESRI VI Acquisition Holdings, L.L.C., a Delaware limited liability company, which, in turn, is a wholly-owned subsidiary of DESRI VI, L.L.C., a Delaware limited liability company (the “Fund”). D. E. Shaw Renewable Investments, L.L.C., a Delaware limited liability company, (“DESRI”) is the manager of the Fund. DESRI is a wholly owned subsidiary of D. E. Shaw & Co., L.P. (“DESCO LP”), a Delaware limited partnership. D. E. Shaw & Co., Inc. (“DESCO Inc.”), a Delaware corporation, is the general partner of DESCO LP. Dr. David E. Shaw is the chairman, president, and sole stockholder of DESCO Inc.

IV. RELEVANT AFFILIATES

Applicant has no affiliates with operational generation capacity within the SPP Market or that directly or indirectly own or control generation located in the SPP Market. A table listing the Applicant’s energy affiliates and their associated assets is attached hereto as Attachment B. Furthermore, neither Applicant nor any of its affiliates owns or operates any transmission facilities other than interconnection facilities necessary to connect their generating plants to the grid. In addition, neither Applicant nor any of its affiliates has a franchised utility service area.

V. REQUEST FOR AUTHORIZATION TO SELL ENERGY, CAPACITY, AND ANCILLARY SERVICES AT MARKET-BASED RATES

A. Description of Applicant’s Rate Schedule

Applicant requests authorization under its proposed market-based rate tariff to sell energy, capacity, and ancillary services (although Applicant presently plans to sell only energy⁵) to any purchaser for resale consistent with the terms of its proposed market-based rate tariff.

⁵ Applicant will also sell renewable energy certificates on a limited basis.

B. Satisfaction of Criteria for Market-Based Rates

The Commission permits sales of energy and capacity at market-based rates if the applicant and its affiliates (i) lack horizontal market power in the relevant geographic market, *i.e.*, they do not have (or have adequately mitigated) market power in generation; and (ii) lack vertical market power in the relevant geographic market, *i.e.*, they do not have (or have adequately mitigated) market power in transmission and cannot erect barriers to entry to competing suppliers through the control of inputs to electric power production.⁶ As discussed below, because Applicant and its affiliates do not have horizontal or vertical market power in the relevant market, Applicant meets the Commission’s criteria and its market-based rate tariff should be accepted for filing.

1. Applicant Lacks Horizontal Market Power

The Commission reviews horizontal market power by assessing the market power of the applicant and any of its affiliates that own generation or control generation in each relevant market through tolling agreements, energy management agreements, or other contractual arrangements.⁷ The Commission has adopted two indicative screens—the uncommitted pivotal supplier screen and the uncommitted market share screen—to determine whether a seller of electricity has horizontal market power.⁸ The uncommitted pivotal supplier screen evaluates the seller’s ability to exercise market power “based on uncommitted capacity at the time of the balancing authority area’s annual peak demand” by examining

⁶ See *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh’g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055, *order on reh’g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh’g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh’g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010), *aff’d sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 26 (2012); see also *Heartland Energy Servs., Inc.*, 68 FERC ¶ 61,223, at 62,060-63 (1994); *Enron Power Enterprise Corp.*, 52 FERC ¶ 61,193, at 61,708 (1990); *FirstEnergy Servs., Inc.*, 94 FERC ¶ 61,052, at 61,251-52 (2001).

⁷ See Order No. 697 at P 232 n.261; *AEP Power Mktg., Inc.*, 107 FERC ¶ 61,018, at P 73 n.63 (2004) (“AEP”).

⁸ *AEP Power Marketing, Inc.*, 107 FERC ¶ 61,018 (2004) (“AEP Order”), *order on reh’g*, 108 FERC ¶ 61,026 at PP 38, 72 (2004).

whether market demand can be met without the seller during peak hours.⁹ A seller is considered “pivotal” if peak demand cannot be met without energy contributions by the seller.¹⁰ The second indicative screen—the market share screen—measures, for each of the four seasons, whether a seller has a dominant position in the market using a comparison of the uncommitted capacity owned or controlled by the seller to the uncommitted capacity of the entire relevant market.¹¹ Those sellers that fail an indicative screen are presumed to have market power. Conversely, a seller that passes the indicative screens creates a rebuttable presumption that the seller lacks horizontal market power.¹²

The Commission has also determined that the owner of a small amount of generation that is unlikely to possess market power may submit streamlined applications and may simplify assumptions in its analysis where appropriate, so long as such assumptions do not affect the underlying methodology of the indicative screens.¹³ Accordingly, Applicant requests a waiver of the full data requirements and submits the following streamlined application of the market power indicative screens. To perform its pivotal supplier and market share screens for the SPP Market, Applicant has relied on the market-based rate application filed by Origin Wind Energy, LLC, on September 12, 2014, as accepted by the Commission in an order dated October 30, 2014.¹⁴

The Commission has determined that the relevant market for a generator that is interconnected to a non-affiliate-owned or controlled transmission system is the balancing authority area (“BAA”) in which the generator is located.¹⁵ The Facility is interconnected within the OGEC electric system, which has

⁹ AEP Order at P 35.

¹⁰ *Id.*

¹¹ Order No. 697 at P 34.

¹² *Id.* P 62.

¹³ *Id.* P 337; AEP Order at PP 38, 69, 85, 113-117.

¹⁴ *See Application for Order Accepting Market-Based Rate Tariff, Granting Requests for Waivers and Blanket Authority*, filed by Origin Wind Energy, LLC, on September 12, 2014, in Docket No. ER14-2858-000; *Origin Wind Energy, LLC*, 149 FERC ¶ 61,088 (2014).

¹⁵ *Id.* P 232 n.217. (“Where a generator is interconnecting to a non-affiliate owned or controlled transmission system, there is only one relevant market (*i.e.*, the balancing authority area in which the generator is locating.)); *see also* AEP Order at P 73 n.64, *order on reh’g*, 108 FERC ¶ 61,026 at P 31 n.25 (2004).

been integrated into the SPP BAA. Accordingly, the relevant market for the purpose of assessing Applicant's generation market power is the SPP Market. As demonstrated in more detail in Attachment C below, Applicant and its affiliates own or control only 200 MW¹⁶ of uncommitted generation capacity in the SPP Market, and the SPP Market includes nearly 20,419 MW of Net Uncommitted Supply. Furthermore, Applicant's market share in the SPP Market peaks at 0.7%, during the Summer season. Accordingly, Applicant clearly lacks horizontal market power in the SPP Market.

2. Applicant Lacks Vertical Market Power

The Commission's vertical market power test consists of an analysis of whether the seller and/or any affiliates possess transmission market power or whether they can erect barriers to entry.

As demonstrated in this Application, none of Applicant or its affiliates owns transmission facilities other than those limited, radial facilities that are necessary to interconnect generation facilities. The ownership of such interconnection facilities does not confer an owner with transmission market power.¹⁷ Furthermore, Applicant has included in this Application a request for open access transmission waivers routinely granted to owners of discrete, radial interconnection facilities. Accordingly, Applicant lacks transmission market power.

With respect to barriers to entry, the Commission requires that a seller describe its ownership of or control over, or affiliation with an entity that owns or controls, inputs to electric power production. The Commission has adopted a rebuttable presumption that market-based rate sellers cannot erect barriers to entry with regard to ownership, control, or affiliation to with any entity that owns or controls intrastate natural gas transportation, intrastate natural gas storage or distribution facilities for generation capacity

¹⁶ See supra note 4.

¹⁷ See, e.g., *Eastern Desert Power, LLC, et al*, 114 FERC ¶ 61,340 (2006).

development, or sources and transportation of coal supplies.¹⁸ However, the Commission nevertheless requires sellers to affirmatively state that they have not and will not erect such barriers.

Neither Applicant nor any of its affiliates owns or controls intrastate natural gas transportation, storage, or distribution facilities, or sources of coal supplies or equipment for transporting coal supplies. Neither Applicant nor any other affiliate owns or controls any unique sites in the United States to develop new generating capacity that raise vertical market power concerns. Accordingly, Applicant states that it has not erected, and will not erect, such barriers to entry.

Accordingly, Applicant satisfies the Commission's vertical market power standard for the grant of market-based rate authority.

C. Ancillary Services

Applicant also respectfully requests authorization to sell the ancillary services as set forth in the tariff attached as Attachment A to this Application. The Commission requires a separate study of the ancillary services markets to support a market-based rate filing for ancillary services. With respect to sales of ancillary services in the markets set forth in Attachment A, Applicant relies in the same manner as other applicants on the studies submitted and accepted by the Commission in previous orders.¹⁹ Applicant has included in its tariff the Commission's standard tariff provisions for the proposed sales of ancillary services.

In addition, Applicant seeks authorization to sell ancillary services at market-based rates under requirements set forth in *Avista Corp.*,²⁰ as modified by Order Nos. 697²¹ and 784,²² in markets for which

¹⁸ Order No. 697 at P 446.

¹⁹ See, e.g., *AES Redondo Beach, L.L.C.*, 83 FERC ¶ 61,358, *order on reh'g*, 85 FERC ¶ 61,123 (1998) (CAISO); see, e.g., *New England Power Pool*, 85 FERC ¶ 61,379 (1998), *reh'g denied*, 95 FERC ¶ 61,074 (2001) (ISO-NE); see, e.g., *Cent. Hudson Gas & Elec. Corp.*, 86 FERC ¶ 61,062, *order on reh'g and clarification*, 88 FERC ¶ 61,138 (1999) (NYISO); see, e.g., *PJM Interconnection, L.L.C.*, 86 FERC ¶ 61,247 (1999); *Atl. City Elec. Co.*, 86 FERC ¶ 61,248 (1998), *clarified*, 86 FERC ¶ 61,310 (1999) (PJM); *PJM Interconnection, L.L.C.*, 91 FERC ¶ 61,021 (2000); see, e.g., *Midwest Indep. Transmission Sys. Operator, Inc.*, 122 FERC ¶ 61,172, *order on reh'g and clarification*, 123 FERC ¶ 61,297 (2008) (MISO); *Sw. Power Pool, Inc.*, 144 FERC ¶ 61,224 (2013) (SPP).

²⁰ 87 FERC ¶ 61,223, *order on reh'g*, 89 FERC ¶ 61,136 (1999).

²¹ See Order No. 697 at PP 1058-61.

the Commission has not accepted a market power study and has not generically authorized the sale of ancillary services at market-based rates. Applicant has included in its market-based rate tariff the applicable standard tariff provisions adopted in Order Nos. 697, 697-A, and 784 for the proposed sales of ancillary services described above.

D. Reporting Requirements

Applicant agrees to comply with the reporting requirements normally imposed on sellers that are permitted to sell power at market-based rates. In particular, Applicant will file electric quarterly reports (“EQRs”) concerning its sales in conformance with the Commission’s requirements.²³ Pursuant to the requirements set forth in Section 35.42 of the Commission’s regulations, Applicant agrees to file timely notices of material changes in status that explain whether such changes reflect a departure from the characteristics relied upon by the Commission in originally granting Applicant market-based rate authority.²⁴

Applicant also agrees to comply with the Commission’s market behavior rules codified at 18 C.F.R. § 35.41. In accordance with 18 C.F.R. § 35.41(c), Applicant hereby advises the Commission that it does not intend to report transaction data to publishers of electricity or natural gas price indices. Applicant will provide timely notification of any change to its transaction reporting status.

²² *Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies*, Order No. 784, FERC Stats. & Regs. ¶ 31,349, at PP 200-01 (2013), *order on clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

²³ See 18 C.F.R. § 35.10b; *see also Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh’g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh’g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334 (2003), *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh’g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 (2008); *Electricity Market Transparency Provisions of Section 220 of the Federal Power Act*, Order No. 768, FERC Stats. & Regs. ¶ 31,336 (2012), *order on reh’g and clarification*, Order No. 768-A, 143 FERC ¶ 61,054 (2013). (requiring market participants excluded from Commission jurisdiction under Section 205 of the FPA that have more than a *de minimis* market presence to file electric quarterly reports); *Revisions to Electric Quarterly Report Filing Process*, Order No. 770, FERC Stats. & Regs. ¶ 31,338 (2012).

²⁴ See 18 C.F.R. § 35.42.

E. Determination of Category Seller Status

The Commission's regulations define Category 1 Sellers as wholesale power marketers and wholesale power producers that meet each of the following criteria: (1) own or control 500 MW or less of generation in aggregate per region;²⁵ (2) do not own, operate, or control transmission facilities other than limited equipment necessary to connect individual generating facilities to the transmission grid; (3) are not affiliated with anyone that owns, operates, or controls transmission facilities in the same region as the seller's generation assets; (4) are not affiliated with a franchised public utility in the same region as the seller's generation assets; and (5) do not raise other vertical market power issues.²⁶ Market-based rate sellers that do not qualify as Category 1 Sellers are defined as Category 2 Sellers.²⁷ Once the Commission determines that a seller meets the criteria for classification as a Category 1 Seller, such seller is not required to file updated market power analyses, or evidence of Category 1 Seller status, as long as it continues to meet the criteria for classification as a Category 1 Seller.²⁸

Applicant and its affiliates do not own or control over 500 MW of generation capacity in the SPP Market. Applicant and its affiliates own or control less than 500 MW of generation in aggregate in each of the other regions. Furthermore, neither Applicant nor any of its affiliates (i) owns, operates, or controls transmission facilities other than limited equipment necessary to connect individual generating facilities to the transmission grid, (ii) is affiliated with anyone that owns, operates or controls transmission facilities in the same region as the seller's generation assets, (iii) is affiliated with a franchised public utility in the same region as the seller's generation assets, or (iv) raises other vertical market power issues. Accordingly, Applicant is a

²⁵ For purposes of this analysis, the regions are Central, Northeast, Northwest, Southeast, Southwest, and Southwest Power Pool. *See* Order No. 697-A at Appendix D.

²⁶ 18 C.F.R. § 35.36(a)(2).

²⁷ *Id.* § 35.36(a)(3).

²⁸ Order No. 697-A at P 376.

Category 1 Seller in the SPP Market and in all other regions. Applicant therefore respectfully requests that the Commission designate Applicant as a Category 1 Seller in all regions. Applicant and its affiliates will therefore not be required to provide the Commission with updated market power analyses pursuant to the schedule adopted in Order No. 697.

VI. REQUEST FOR PRE-APPROVALS AND WAIVERS

Applicant seeks the same pre-approvals and waivers of Commission rules and filing requirements previously granted to other sellers permitted to sell electricity at market-based rates. This relief consists of:

- waiver of Parts 41, 101, and 141 of the Commission's accounting and periodic reporting regulations, except as to Sections 141.14 and 141.15;
- waiver of Subparts B and C of Part 35 of the Commission's regulations, except as to Sections 35.12(a), 35.13(b), 35.15, and 35.16;
- waiver of the 60-day prior notice requirement set forth in Section 35.3(a)(1) of the Commission's regulations (for the reasons provided below);
- blanket authorization under Part 34 of the Commission's regulations for all issuances of securities and assumptions of liability; and
- other appropriate waivers and authorizations granted to other similarly situated entities that Applicant may not have requested specifically.

VII. REQUEST FOR WAIVER OF OPEN-ACCESS REQUIREMENTS

Applicant requests that the Commission grant it waiver of Order Nos. 888,²⁹ 889,³⁰ 890,³¹ their implementing regulations at Section 35.28 and Part 37, and the requirements of Part 358³² (collectively, the “Open Access Requirements”) with respect to the Interconnection Customer Interconnection Facilities. Applicant does not own or control transmission facilities other than the planned Interconnection Customer Interconnection Facilities. Nonetheless, the Commission has indicated that, absent waiver, entities that only own generator interconnection facilities may also be subject to the Open Access Requirements.³³ Applicant therefore requests, out of an abundance of caution, that the Commission grant it waiver of the Open Access Requirements.

The Interconnection Customer Interconnection Facilities will be limited and discrete transmission facilities that do not form an integrated transmission grid.³⁴ The Interconnection Customer Interconnection Facilities will consist of discrete, radial interconnection facilities used to interconnect the Facility to the controlled grid in the SPP Market. The Commission has routinely granted waiver of the Open Access Requirements for similar limited and discrete interconnection facilities unless and until an

²⁹ *Promoting Wholesale Competition Through Open Access Nondiscriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (1997), *order on reh’g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh’g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff’d in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff’d sub nom. New York v. FERC*, 535 U.S. 1 (2002).

³⁰ *Open Access Same-Time Information System and Standards of Conduct*, Order No. 889, FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh’g*, Order No. 889-A, FERC Stats. & Regs. ¶ 31,049, *reh’g denied*, Order No. 889-B, 81 FERC ¶ 61,253 (1997), *aff’d in relevant part sub nom. Transmission Access Policy Study Group v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff’d sub nom. New York v. FERC*, 535 U.S. 1 (2002).

³¹ *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,341, *order on reh’g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh’g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh’g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

³² 18 C.F.R. § 35.28 and Parts 37 and 358.

³³ *See, e.g., Coram Cal. Dev., L.P.*, 138 FERC ¶ 61,070 (2012); *see also Open Access and Priority Rights on Interconnection Customer’s Interconnection Facilities*, 147 FERC ¶ 61,123, Notice of Proposed Rulemaking (2014) (proposing blanket waivers for certain entities that own interconnection facilities).

³⁴ *Silver State Solar Power North, LLC*, 139 FERC ¶ 61,088, at PP 24-25 (2012) (“*Silver State*”); *Detroit Edison Co.*, 136 FERC ¶ 61,210, at PP 14-19 (2011) (“*Detroit Edison*”); *Black Creek Hydro, Inc.*, 77 FERC ¶ 61,232, at 61,940-41 (1996).

owner of such facilities receives a request for transmission service.³⁵ Therefore, Applicant requests that the Commission grant it waiver of the Open Access Requirements.

VIII. REQUESTED EFFECTIVE DATE

As noted above, Applicant currently expects to begin the sale of test power from the Facility on or about April 1, 2015. In order to ensure that Applicant can begin the sale of test power on the anticipated date, Applicant respectfully requests that the Commission issue an order on or before March 31, 2015, accepting for filing Applicant's tariff effective March 31, 2015, which is 41 days from the date of this Application.

IX. CONCLUSION

WHEREFORE, for the reasons stated above, Applicant respectfully requests that the Commission issue an order accepting for filing Applicant's proposed market-based rate tariff, effective March 31, 2015, and granting Applicant's request for waivers and blanket approvals, including waiver of the Open Access Requirements. In addition, Applicant requests that the Commission issue an order on this Application on or before March 31, 2015.

Respectfully submitted,

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February 18, 2015

³⁵ See, e.g., *Silver State; Detroit Edison; Evergreen Wind Power III, LLC*, 135 FERC ¶ 61,030 (2011); *Ashtabula Wind, LLC*, 127 FERC ¶ 61,215 (2009).

ATTACHMENT A

FERC ELECTRIC TARIFF

FERC Electric Tariff, Volume No. 1
Market-Based Rate Tariff

I. Availability

Balko Wind, LLC, (“Seller”) makes electric energy, capacity, and ancillary services available under this tariff to any purchaser with whom Seller has contracted, except as prohibited below.

II. Rates

All sales shall be made at rates established by agreement between the purchaser and Seller.

III. Other Terms and Conditions

All other terms and conditions of sales shall be established by agreement between the purchaser and Seller.

IV. Compliance with Commission Regulations

Seller shall comply with the provisions of 18 CFR Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning seller’s market-based rate authority, including orders in which the Commission authorizes seller to engage in affiliate sales under this tariff or otherwise restricts or limits the seller’s market-based rate authority. Failure to comply with the applicable provisions of 18 CFR Part 35, Subpart H, and with any orders of the Commission concerning seller’s market-based rate authority, will constitute a violation of this tariff.

V. Seller Category

Seller is a Category 1 Seller in the SPP Market and in all other regions, as those Categories are defined in 18 CFR § 35.36(a).

VI. Limitations and Exemptions Regarding Market-Based Rate Authority

In *Balko Wind, LLC*, Docket No. ER15-_____ (2015):

Seller has received (1) waiver of Subparts B and C of Part 35, except for Sections 35.12(a), 35.13(b), 35.15 and 35.16; (2) waiver of Parts 41, 101 and 141 except Sections 141.14 and 141.15; and (3) blanket authorization for all future issuances of securities or assumptions of liabilities pursuant to Part 34 of the Commission’s regulations.

VII. Ancillary Services

(A) **PJM**: Seller offers regulation and frequency response service, energy imbalance service, and operating reserve service (which includes spinning, 10- minute, and 30-minute reserves) for sale into the market administered by PJM Interconnection, L.L.C. (“PJM”) and, where the PJM Open Access Transmission Tariff permits, the self-supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.

(B) New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.

(C) New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.

(D) California: Seller offers regulation service, spinning reserve service, and non-spinning reserve service to the California Independent System Operator Corporation (“CAISO”) and to others that are self-supplying ancillary services to the CAISO.

(E) MISO: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Midcontinent Independent System Operator, Inc. (“MISO”) and to others that are self-supplying ancillary services to MISO.

(F) Southwest Power Pool: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Southwest Power Pool, Inc. (“SPP”) and to others that are self-supplying ancillary services to SPP.

(G) Ancillary Services - Third Party Provider: Seller offers Regulation and Frequency Response Service, Reactive Supply and Voltage Control Service, Energy and Generator Imbalance Service, Operating Reserve-Spinning, and Operating Reserve-Supplemental. Sales will not include the following: (1) sales to an RTO or an ISO, i.e., where that entity has no ability to self-supply ancillary services but instead depends on third parties; and (2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier. Sales of Operating Reserve-Spinning and Operating Reserve-Supplemental will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except where the Commission has granted authorization. Sales of Regulation and Frequency Response Service and Reactive Supply and Voltage Control Service will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except at rates not to exceed the buying public utility transmission provider’s OATT rate for the same service or where the Commission has granted authorization.

VIII. Effective Date

This Rate Schedule shall be effective as of the date specified by the Federal Energy Regulatory Commission.

Attachment B

AFFILIATES AND ASSETS

Market-Based Rate Authority and Generation Assets

Filing Entity and its Energy Affiliates	Docket # MBR authority granted	Generation Name	Owned By	Controlled By	Date Control Transferred	Location		In-service Date	Nameplate and/or Seasonal Rating (MW)
						Balancing Authority Area	Geographic Region (per Appendix D)		
Power County Wind Park North, LLC	N/A (QF)	Power County Wind Farm	Power County Wind Parks, LLC	D. E. Shaw Renewable Investments, L.L.C.	N/A	PacifiCorp	Northwest	Dec. 2011	22.5
Power County Wind Park South, LLC	N/A (QF)	Power County Wind Farm	Power County Wind Parks, LLC	D. E. Shaw Renewable Investments, L.L.C.	N/A	PacifiCorp	Northwest	Dec. 2011	22.5
Keystone Solar, LLC	N/A (QF)	Keystone Solar Farm	DESRI II Acquisition, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	PJM	Northeast	Sep. 2012	5.0
Lake County Solar LLC (Griffith)	N/A (QF)	Lake County Solar Farm	Lake County DFX Holdco, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	MISO	Central	Jul. 2013	2.0
Lake County Solar LLC (East Chicago)	N/A (QF)	Lake County Solar Farm	Lake County DFX Holdco, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	MISO	Central	Aug. 2013	2.0
Tulare PV I LLC (Porterville 1)	N/A (QF)	Tulare Porterville Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.0
Tulare PV I LLC (Porterville 2)	N/A (QF)	Tulare Porterville Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.0
Tulare PV I LLC (Porterville 3)	N/A (QF)	Tulare Porterville Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.5
Tulare PV I LLC (Lindsay 1)	N/A (QF)	Tulare Lindsay Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.5
Tulare PV I LLC (Lindsay 2)	N/A (QF)	Tulare Lindsay Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.5
Tulare PV I LLC (Lindsay 3)	N/A (QF)	Tulare Lindsay Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.0
Tulare PV I LLC (Ivanhoe 1)	N/A (QF)	Tulare Ivanhoe Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.5

Filing Entity and its Energy Affiliates	Docket # MBR authority granted	Generation Name	Owned By	Controlled By	Date Control Transferred	Location		In-service Date	Nameplate and/or Seasonal Rating (MW)
						Balancing Authority Area	Geographic Region (per Appendix D)		
Tulare PV I LLC (Ivanhoe 2)	N/A (QF)	Tulare Ivanhoe Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	0.5
Tulare PV I LLC (Ivanhoe 3)	N/A (QF)	Tulare Ivanhoe Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Jan. 2014	1.5
Tulare PV I LLC (Exeter 1)	N/A (QF)	Tulare Exeter Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Feb. 2014	1.0
Tulare PV I LLC (Exeter 2)	N/A (QF)	Tulare Exeter Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Feb. 2014	1.0
Tulare PV I LLC (Exeter 3)	N/A (QF)	Tulare Exeter Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Feb. 2014	1.5
Tulare PV II LLC (Kingsburg 1)	N/A (QF)	Tulare Kingsburg Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Dec. 2013	1.5
Tulare PV II LLC (Kingsburg 2)	N/A (QF)	Tulare Kingsburg Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Dec. 2013	1.5
Tulare PV II LLC (Kingsburg 3)	N/A (QF)	Tulare Kingsburg Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Dec. 2013	.75
Forbes Street Solar LLC	N/A (QF)	Forbes Street Solar Farm	DESRI V LA County Solar Holdco, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	ISONE	Northeast	Dec. 2013	3.0
Hannah Solar, LLC (LAX Building A&B)	N/A (QF)	LA County Solar Farm	DESRI V LA County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Dec. 2014	.833
Hannah Solar, LLC (Van Nuys)	N/A (QF)	LA County Solar Farm	DESRI V LA County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Oct. 2014	.666
MRB Solar LLC	N/A (QF)	LA County Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Nov. 2014	.833
Heizenberg Solar LLC	N/A (QF)	LA County Solar Farm	Tulare County Solar, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	Oct. 2014	.856

Filing Entity and its Energy Affiliates	Docket # MBR authority granted	Generation Name	Owned By	Controlled By	Date Control Transferred	Location		In-service Date	Nameplate and/or Seasonal Rating (MW)
						Balancing Authority Area	Geographic Region (per Appendix D)		
BWC Origination 3, LLC	N/A (QF)	MA Solar Farm - Sullivan	DESRI V Massachusetts Solar Holdco, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	ISONE	Northeast	Aug. 2014	1.5
Ayers Village Solar, LLC	N/A (QF)	MA Solar Farm – Ayers	DESRI V Massachusetts Solar Holdco, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	ISONE	Northeast	Jun. 2014	2.0
Winchendon Solar, LLC	N/A (QF)	MA Solar Farm - Winchendon	DESRI V Massachusetts Solar Holdco, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	ISONE	Northeast	Mar. 2014	1.9
SunE Monson I, LLC	N/A (QF)	MA Solar Farm - Monson	DESRI V Massachusetts Solar Holdco, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	ISONE	Northeast	Aug. 2014	3.0
Buckeye Solar, L.L.C.	N/A (QF)	Buckeye Solar Farm	DESRI V Acquisition 4, L.L.C	D. E. Shaw Renewable Investments, L.L.C.	N/A	Arizona Public Service Company (WECC)	Southwest	Jan. 2012	2.856
American Capital Energy – Searchlight Solar, LLC	N/A (QF)	Searchlight Solar Farm	DESRI V Searchlight, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	NV Energy (WECC)	Northwest	Dec. 2014	17.5
Kona Solar LLC	N/A (QF)	Kona Solar Farm	DESRI V Acquisition 6, L.L.C	D. E. Shaw Renewable Investments, L.L.C.	N/A	CAISO	Southwest	In Construction	4.73
Balko Wind, LLC	Pending	Balko Wind Farm	DESRI VI Balko Wind Holdings, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	SPP	SPP	In Construction	299.7
Red Horse Wind 2, LLC	Open	Red Horse	DESRI RH2 Holdings, L.L.C.	D. E. Shaw Renewable Investments, L.L.C.	N/A	Tucson Electric Power (WECC)	Southwest	In Construction	71.0 (85.0 Nameplate)

ELECTRIC TRANSMISSION ASSETS AND/OR NATURAL GAS INTRASTATE PIPELINES AND/OR GAS STORAGE FACILITIES

Filing Entity and its Energy Affiliates	Asset Name and Use	Owned By	Controlled By	Date Control Transferred	Location		Size
					Balancing Authority Area	Geographic Region (per Appendix D)	
Balko Wind, LLC	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Attachment C

**HORIZONTAL MARKET POWER
SCREEN RESULTS**

Part I -- Pivotal Supplier Analysis (SPP)

Row	Generation	MW	
	Seller and Affiliate Capacity		
A	Installed Capacity	300	
B	Long-Term Firm Purchases	0	
C	Long-Term Firm Sales*	100	
D	Imported Power	0	
	Non-Affiliate Capacity		
E	Installed Capacity	69,599	
F	Long-Term Firm Purchases	4,245	
G	Long-Term Firm Sales	4,836	
H	Imported Power	0	
I	Balancing Authority Area Reserve Requirement	1,006	
J	Amount of Line I Attributable to Seller, if any	0	
K	Total Uncommitted Capacity	28,354	A+B-C+D+E+F+H-G-I-M
	Load		
L	Balancing Authority Area Annual Peak Load	47,699	
M	Average Daily Peak Native Load in Peak Month	39,764	
N	Amount of Line M Attributable to Seller, if any	0	
O	Wholesale Load	7,935	L-M
P	Net Uncommitted Supply	20,419	K-O
Q	Seller's Uncommitted Capacity	200	A+B-C+D-J-N
R	Result of Pivotal Supplier Screen	PASS	(Pass if (Q < P); (Fail if Q > P)

*The power purchase agreement representing an output of 200 MW of the Facility's approximately 300 MW of capacity commences in January 2016.

Part II -- Market Share Analysis (SPP)

Row		Winter (MW)	Spring (MW)	Summer (MW)	Fall (MW)	
	Seller and Affiliate Capacity					
A	Installed Capacity	300	300	300	300	
B	Long-Term Firm Purchases	0	0	0	0	
C	Long-Term Firm Sales*	100	100	100	100	
D	Seasonal Average Planned Outages	0	0	0	0	
E	Imported Power	0	0	0	0	
	Capacity Deductions					
F	Average Peak Native Load in the Season	27,446	27,345	40,524	27,498	
G	Amount of Line F Attributable to Seller, if any	0	0	0	0	
H	Amount of Line F Attributable to Others, if any	27,446	27,345	40,524	27,598	
I	Balancing Authority Area Reserve Requirement, if any	986	960	1,006	1,053	
J	Amount of Line I Attributable to Seller, if any	0	0	0	0	
K	Amount of Line I Attributable to Others, if any	986	960	1,006	1,053	
	Non-Affiliate Capacity					
L	Installed Capacity	67,671	67,421	69,599	70,664	
M	Long-Term Firm Purchases	4,335	4,111	4,245	3,479	
N	Long-Term Firm Sales	4,715	4,768	4,836	4,836	
O	Local Seasonal Average Planned Outages	3,064	4,204	994	1,298	
P	Uncommitted Capacity Imports	0	0	0	0	
	Supply Calculation					
Q	Total Competing Supply	35,795	34,255	26,484	39,358	L+M-N-O+P-H-K
R	Seller's Uncommitted Capacity	200	200	200	200	A+B-C-D+E-G-J
S	Total Seasonal Uncommitted Capacity	35,995	34,455	26,684	39,558	Q+R
T	Seller's Market Share (R/S)	0.6%	0.6%	0.7%	0.5%	R/S
	Results	PASS	PASS	PASS	PASS	Pass if T <20%; Fail if T > 20%

*The power purchase agreement representing an output of 200 MW of the Facility's approximately 300 MW of capacity commences in January 2016.

FERC Electric Tariff, Volume No. 1
Market-Based Rate Tariff

I. Availability

Balko Wind, LLC, (“Seller”) makes electric energy, capacity, and ancillary services available under this tariff to any purchaser with whom Seller has contracted, except as prohibited below.

II. Rates

All sales shall be made at rates established by agreement between the purchaser and Seller.

III. Other Terms and Conditions

All other terms and conditions of sales shall be established by agreement between the purchaser and Seller.

IV. Compliance with Commission Regulations

Seller shall comply with the provisions of 18 CFR Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning seller’s market-based rate authority, including orders in which the Commission authorizes seller to engage in affiliate sales under this tariff or otherwise restricts or limits the seller’s market-based rate authority. Failure to comply with the applicable provisions of 18 CFR Part 35, Subpart H, and with any orders of the Commission concerning seller’s market-based rate authority, will constitute a violation of this tariff.

V. Seller Category

Seller is a Category 1 Seller in the SPP Market and in all other regions, as those Categories are defined in 18 CFR § 35.36(a).

VI. Limitations and Exemptions Regarding Market-Based Rate Authority

In *Balko Wind, LLC*, Docket No. ER15-_____ (2015):

Seller has received (1) waiver of Subparts B and C of Part 35, except for Sections 35.12(a), 35.13(b), 35.15 and 35.16; (2) waiver of Parts 41, 101 and 141 except Sections 141.14 and 141.15; and (3) blanket authorization for all future issuances of securities or assumptions of liabilities pursuant to Part 34 of the Commission’s regulations.

VII. Ancillary Services

(A) **PJM**: Seller offers regulation and frequency response service, energy imbalance service, and operating reserve service (which includes spinning, 10- minute, and 30-minute reserves) for sale into the market administered by PJM Interconnection, L.L.C. (“PJM”) and, where the PJM Open Access Transmission Tariff permits, the self-supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.

(B) New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.

(C) New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.

(D) California: Seller offers regulation service, spinning reserve service, and non-spinning reserve service to the California Independent System Operator Corporation (“CAISO”) and to others that are self-supplying ancillary services to the CAISO.

(E) MISO: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Midcontinent Independent System Operator, Inc. (“MISO”) and to others that are self-supplying ancillary services to MISO.

(F) Southwest Power Pool: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Southwest Power Pool, Inc. (“SPP”) and to others that are self-supplying ancillary services to SPP.

(G) Ancillary Services - Third Party Provider: Seller offers Regulation and Frequency Response Service, Reactive Supply and Voltage Control Service, Energy and Generator Imbalance Service, Operating Reserve-Spinning, and Operating Reserve-Supplemental. Sales will not include the following: (1) sales to an RTO or an ISO, i.e., where that entity has no ability to self-supply ancillary services but instead depends on third parties; and (2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier. Sales of Operating Reserve-Spinning and Operating Reserve-Supplemental will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except where the Commission has granted authorization. Sales of Regulation and Frequency Response Service and Reactive Supply and Voltage Control Service will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except at rates not to exceed the buying public utility transmission provider’s OATT rate for the same service or where the Commission has granted authorization.

VIII. Effective Date

This Rate Schedule shall be effective as of the date specified by the Federal Energy Regulatory Commission.

FERC rendition of the electronically filed tariff records in Docket No. ER15-01065-000

Filing Data:

CID: C004737

Filing Title: Balko Wind, LLC - MBR Tariff

Company Filing Identifier: 3

Type of Filing Code: 400

Associated Filing Identifier:

Tariff Title: Balko Wind, LLC

Tariff ID: 2

Payment Confirmation:

Suspension Motion: N

Tariff Record Data:

Record Content Description, Tariff Record Title, Record Version Number, Option Code:

, Balko Wind, LLC - MBR Tariff, 1.0.0, A

Record Narrative Name:

Tariff Record ID: 2

Tariff Record Collation Value: 1000 Tariff Record Parent Identifier: 0

Proposed Date: 2015-02-18

Priority Order: 500

Record Change Type: New

Record Content Type: 1

Associated Filing Identifier:

FERC Electric Tariff, Volume No. 1 Market-Based Rate Tariff

I. Availability

Balko Wind, LLC, ("Seller") makes electric energy, capacity, and ancillary services available under this tariff to any purchaser with whom Seller has contracted, except as prohibited below.

II. Rates

All sales shall be made at rates established by agreement between the purchaser and Seller.

III. Other Terms and Conditions

All other terms and conditions of sales shall be established by agreement between the purchaser and Seller.

IV. Compliance with Commission Regulations

Seller shall comply with the provisions of 18 CFR Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning seller's market-based rate authority, including orders in which the Commission authorizes seller to engage in affiliate sales under this tariff or otherwise restricts or limits the seller's market-based rate authority. Failure to comply with the applicable provisions of 18 CFR Part 35, Subpart H, and with any orders of the Commission concerning seller's market-based rate authority, will constitute a violation of this tariff.

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(B) New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.

(C) New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.

(D) California: Seller offers regulation service, spinning reserve service, and non-spinning reserve service to the California Independent System Operator Corporation ("CAISO") and to others that are self-supplying ancillary services to the CAISO.

(E) MISO: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Midcontinent Independent System Operator, Inc. ("MISO") and to others that are self-supplying ancillary services to MISO.

(F) Southwest Power Pool: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Southwest Power Pool, Inc. ("SPP") and to others that are self-supplying ancillary services to SPP.

(G) Ancillary Services - Third Party Provider: Seller offers Regulation and Frequency Response Service, Reactive Supply and Voltage Control Service, Energy and Generator Imbalance Service, Operating Reserve-Spinning, and Operating Reserve-Supplemental. Sales will not include the following: (1) sales to an RTO or an ISO, i.e., where that entity has no ability to

self-supply ancillary services but instead depends on third parties; and (2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier. Sales of Operating Reserve-Spinning and Operating Reserve-Supplemental will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except where the Commission has granted authorization. Sales of Regulation and Frequency Response Service and Reactive Supply and Voltage Control Service will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except at rates not to exceed the buying public utility transmission provider's OATT rate for the same service or where the Commission has granted authorization.

VIII. Effective Date

This Rate Schedule shall be effective as of the date specified by the Federal Energy Regulatory Commission.

Document Content(s)

Market-Based_Rate_Application_Balko Wind LLC.PDF.....	1-23
Tariff2.PDF.....	24-25
FERC GENERATED TARIFF FILING.RTF.....	26-28