

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

**NOTICE OF SELF CERTIFICATION  
OF EXEMPT WHOLESALE GENERATOR STATUS  
FOR BRISCOE WIND FARM, LLC**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and Section 366.7(a) of the regulations of the Federal Energy Regulatory Commission (“Commission”),<sup>2</sup> Briscoe Wind Farm, LLC (“Briscoe Wind”) 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.

**I. COMMUNICATIONS AND CORRESPONDENCE**

All communications and correspondence regarding this self-certification should be directed to the following persons:

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<sup>1</sup> Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 584, §§ 1261, *et seq.* (2005).

<sup>2</sup> 18 C.F.R. § 366.7(a) (2014).

## **II. DESCRIPTION OF APPLICANT**

Briscoe Wind Farm, LLC is a limited liability company organized under the laws of the State of Texas, with its principal place of business at 645 Madison Avenue, 19<sup>th</sup> Floor, New York, NY 10022.

## **III. THE ELIGIBLE FACILITIES**

Briscoe Wind Farm, LLC will own and operate an approximately 150-MW capacity (nameplate) wind electric generation facility in Briscoe County, Texas ("Project"). The Project is under construction and is expected to generate test power by August 2015 and reach commercial operation by September 2015. The eligible facilities for purpose of the Commission's regulations consist of 81, 1.85-MW General Electric Model 1.85-87, 60Hz, 80M HH wind turbine generators and other related real property, and other equipment necessary to interconnect the Project by 345-kV transmission line to the Sharyland Utilities Tule Canyon substation in Briscoe County, Texas. Collectively, the wind turbine generators, related real property and interconnection equipment owned and/or operated by Briscoe Wind Farm, LLC are referred to as the Eligible Facilities.

## **IV. SELF-CERTIFICATION OF EWG STATUS**

Consistent with the Commission's regulations, Briscoe Wind Farm, LLC makes the following representations to establish that it qualifies as an EWG pursuant to the Commission's regulations at 18 C.F.R. § 366.1, with respect to its sales of electric power generated by the Project:

1. Briscoe Wind Farm, LLC will engage directly and exclusively in the business of owning and/or operating all or part of one or more eligible facilities, as such term is defined under the Commission's regulations, and selling electric energy at wholesale. The Project qualifies as an eligible facility because it will be used for the

generation of electric energy exclusively for sale at wholesale.

2. Briscoe Wind Farm, LLC will not own any transmission facilities other than those interconnection facilities that are necessary to effect the wholesale sale of electric energy from the Project, consistent with Commission precedent construing the definition of eligible facility under Section 32(a)(2) of Public Utility Holding Company Act of 1935 (“PUHCA 1935”)<sup>3</sup>, which is incorporated by reference in Section 1262(6) of PUHCA 2005,<sup>4</sup> and Section 366.1 of the Commission’s regulations.<sup>5</sup>
3. No rate or charge for, or in connection with, the construction of the Project, or for electric energy produced thereby, was in effect under the laws of any State on October 24, 1992. Accordingly, no State determination is required with respect to this filing.
4. There are no lease agreements through which Briscoe Wind Farm, LLC will lease the Project to a public utility company or any other party.
5. Briscoe Wind Farm, LLC does not sell electricity at retail to any customer. Accordingly, the Project does not rely on the exception provided by Section 32(b) of PUCHA 1935 regarding foreign sales of power at retail.
6. No portion of the Project will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Briscoe Wind Farm, LLC, as such terms are defined under the Commission’s regulations.

In accordance with Section 366.7(a) of the Commission’s regulations, a copy of this Notice is concurrently being served upon the Texas Public Utility Commission.

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<sup>3</sup> See 18 C.F.R. § 366.1 (citing section 32 (a)(2) of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79z-5a(a)(2) (repealed 2005).

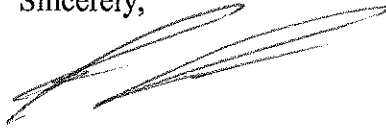
<sup>4</sup> 42 U.S.C. § 16451(6) (2012).

<sup>5</sup> 18 C.F.R. § 366.1 (2013).

## VI. CONCLUSION

For the foregoing reasons, Briscoe Wind Farm, LLC respectfully requests that the Commission accept this Notice of Self-Certification of Exempt Wholesale Generator status.

Sincerely,



John Breckenridge

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