

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

CPV Shore, LLC

)

Docket No. EG13-\_\_\_\_-000

**NOTICE OF SELF-CERTIFICATION OF  
CPV SHORE, LLC  
AS AN EXEMPT WHOLESALE GENERATOR**

Pursuant to Section 366.7 of the Federal Energy Regulatory Commission ("Commission") rules<sup>1</sup> implementing the Public Utility Holding Company Act of 2005 ("PUHCA 2005"), enacted by the Energy Policy of 2005<sup>2</sup>, CPV Shore, LLC ("CPV Shore") hereby submits this Notice of Self-Certification of Exempt Wholesale Generator ("EWG") Status ("Notice"). CPV Shore intends to own and operate a nominal 700 megawatt ("MW") combined cycle electric power generating facility ("Facility") at a site located in the Township of Woodbridge, Middlesex County, New Jersey that is more particularly known as Block 93, Lot 100 and Block 62, Lots 2 and 3 on the Official Woodbridge Township Tax Maps (the "Property").

CPV Shore respectfully states as follows:

**I. COMMUNICATIONS**

CPV Shore requests that communications be provided to the following:

Robert W. Burke, Esq.  
Competitive Power Ventures, Inc.  
8403 Colesville Road  
Silver Spring, Maryland 20910  
[rburke@cpv.com](mailto:rburke@cpv.com)

Mark C. Williams  
Bingham McCutchen LLP  
2020 K Street, NW  
Washington, DC 20006  
[mark.williams@bingham.com](mailto:mark.williams@bingham.com)

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<sup>1</sup> 18 C.F.R. § 366.7 (2011).

<sup>2</sup> Pub. L. No. 109-58, 119 Stat. 594 (2005).

## **II. DESCRIPTION OF CPV SHORE**

CPV Shore is a limited liability company organized under the laws of the State of Delaware, with its principal place of business located at 8903 Colesville Road, Suite 915, Silver Spring, Maryland 20910. CPV Shore is a wholly-owned subsidiary of Competitive Power Ventures, Inc. (“CPV”). CPV Shore has been created to own and operate a 700 MW nominal combined cycle electric power generating facility (“Facility”) on the Property. The Facility will consist of two General Electric (GE) 207 FA.05 combustion turbine generators that will utilize pipeline natural gas. Heat recovery steam generators downstream of the combustion turbines will recover heat from the exhaust gases to generate steam. The heat recovery steam generators will be equipped with natural gas-fired duct burners for supplementary firing and will share a single steam turbine generator. The Facility, which is expected to become operational by June, 2015 will be interconnected with the Pennsylvania-Jersey-Maryland (“PJM”) grid via a dedicated interconnection line that will tie-into an existing substation in the Borough of Sayreville, Middlesex County, New Jersey.

CPV currently develops, constructs, manages, owns and operates electric-generating facilities in wholesale energy markets. CPV’s power development portfolio includes eight natural-gas fired projects totaling approximately 5,500 MW of new generation in North America.

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

Consistent with the Commission’s regulations, CPV Shore makes the following representations to demonstrate that it meets the Commission’s definition of a EWG under Section 366.1 of the Commission’s regulations for its energy sales from the Facility. CPV Shore represents

the following:

1. CPV Shore will at all times be engaged directly and exclusively in the business of owning and operating the Facility and in selling electric energy at wholesale from the Facility as defined in Section 32(a)(2) of the Public Utilities Holding Company Act of 1935 (“PUHCA 1935”)<sup>3</sup>. CPV Shore holds Market-Based Rate authorization effective as of January 10, 2013 (See generally, Docket No. ER13-342).

2. The Facility will be an “eligible facility,” as that term is defined in Section 32(a)(2) of PUHCA 1935 and as incorporated by reference in 18. C.F.R. § 366.1.

3. CPV Shore will not operate or own any transmission facilities other than those interconnection facilities that are necessary to effect the wholesale of electric energy from the Facility.<sup>4</sup>

4. No rate or charge for, or in connection with, the operation of the Facility, or for electric energy produced thereby, was in effect as of October 24, 1992 (the date of the enactment of Section 32 of PUHCA 1935). As such, no determination or certification by any State commission is necessary prior to certification of CPV Shore as a EWG.

5. CPV Shore is not currently engaged, and has no plans to engage, in foreign sales of power or domestic sales of power at retail, and therefore does not rely on the exception for foreign retail sales under Section 32(b) of PUHCA 1935<sup>5</sup>.

6. 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 CPV Shore as such terms are defined in Section 32(d) of PUHCA 2005.

7. There are no lease arrangements involving the Facility and any “public utility company” or any “affiliate” or “associate company” of any “public utility company,” as those

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<sup>3</sup> Pursuant to 18 C.F.R. § 366.1 (2011), “eligible facility” has the meaning previously ascribed to it in Section 32(a)(2) of PUHCA 1935.

<sup>4</sup> Consistent with the Commission’s order in Docket No. ER13-342 (142 FERC ¶ 61,081)(2013), the Facility includes only limited, discrete electrical interconnection facilities.

<sup>5</sup> 18 C.F.R § 366.1 (2011).

terms are defined in Section 32(d) of PUHCA 2005 and Section 366.1 of the Commission's regulations.

#### **IV. NOTICE OF SELF-CERTIFICATION AND SERVICE OF FILING**

Consistent with the requirements of 18 C.F.R. §366.7(a), CPV Shore has served a copy of this Notice of Self-Certification of EWG Status with the New Jersey Board of Public Utilities.

CPV Shore hereby provides a form of Notice of Filing, in connection with this Notice of Self-Certification suitable for publication in the Federal Register.

#### **CONCLUSIONS**

Based on the facts and representations set forth above, CPV Shore respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Dated: Washington DC  
March 4, 2012

Respectfully submitted,

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Mark C. Williams  
Bingham McCutchen LLP  
2020 K Street NW  
Washington DC 20006

*Attorneys for CPV Shore, LLC*



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

CPV Shore, LLC

) Docket No. EG13-\_\_\_-000

**NOTICE OF FILING**

(March 1, 2013)

Take notice that on March 4, 2013, CPV Shore, LLC filed a Notice of Self-Certification of Exempt Wholesale Generator Status pursuant to 18 C.F.R. § 366.7. 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, 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 to protest must serve a copy of that document on the Applicant and all parties to this proceeding.

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, N.E., Washington, D.C. 20426.

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

Comment Date: \_\_\_\_\_

Kimberly D. Bose  
Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that I served for filing the foregoing Notice of Self-Certification via United States Postal Service Certified Mail, Return Receipt Requested on the following:

New Jersey Board of Public Utilities  
44 South Clinton Avenue, 7<sup>th</sup> Floor  
Trenton, New Jersey 08625

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Mark C. Williams  
Bingham McCutchen LLP  
2020 K Street NW  
Washington DC 20006

*Attorneys for CPV Shore, LLC*

Dated: February 4, 2013