

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

**Colorado Bend II Power, LLC**

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**Docket No. EG17-\_\_-000**

**NOTICE OF SELF-CERTIFICATION OF  
EXEMPT WHOLESALE GENERATOR STATUS**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and section 366.7 of the regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”),<sup>2</sup> Colorado Bend II Power, LLC (“Applicant”) submits this notice of self-certification of its status of exempt wholesale generator (“EWG”) within the meaning of § 366.1 of the Commission’s regulations.<sup>3</sup>

**I. COMMUNICATIONS**

All communications regarding this filing should be directed to

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**II. REPRESENTATIONS**

1. Applicant is a Delaware limited liability company that is developing and will own and operate an approximately 1,230 MW (nameplate) natural gas-fired electric generation facility located in Wharton County, Texas (“Facility”). The Facility will be interconnected to the transmission system owned by Centerpoint Energy Houston Electric, LLC and will be located within the footprint of the Electric Reliability Council

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<sup>1</sup> 42 U.S.C. §§ 16451-53 (2006 & Supp. III).

<sup>2</sup> 18 C.F.R. § 366.7 (2016).

<sup>3</sup> 18 C.F.R. § 366.1.

of Texas. It is currently anticipated that the production of test power will start in December 2016 and commercial operation is expected in Q2 2017. Applicant will register as a power generation company with the Public Utility Commission of Texas.

2. Applicant will be engaged directly and exclusively in the business of owning and operating the Facility and selling electric energy at wholesale, except to the extent that it may engage in certain activities incidental to the sale of electricity, including: (1) the sale of ancillary services;<sup>4</sup> (2) the reassignment of excess transmission capacity to the extent that such excess transmission capacity originally was obtained for the purpose of effecting a specific wholesale sale of electric energy;<sup>5</sup> (3) the purchase and sale of congestion revenue rights needed for the Facility's power sales operations;<sup>6</sup> (4) the trading of emission allowances obtained in the normal course of operating the Facility;<sup>7</sup> (5) the sale of "green" power certificates or credits associated with power produced by the Facility;<sup>8</sup> (6) certain project development and financing activities relating to the Facility;<sup>9</sup> and (7) other incidental activities that are consistent with the Commission's EWG precedent.

3. The Facility will be an eligible facility as defined in section 32(a)(2) of the Public Utility Holding Company Act of 1935, which is incorporated by reference in section 366.1 of the Commission's regulations.<sup>10</sup> The Facility does not include any transmission or distribution facilities other than those interconnection facilities necessary to

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<sup>4</sup> See *Sithe Framingham LLC*, 83 FERC ¶ 61,106 at 61,504 (1998).

<sup>5</sup> See *CNG Power Servs. Corp.*, 71 FERC ¶ 61,026 at 61,103-04 (1995).

<sup>6</sup> See *Duquesne Power, L.P.*, 106 FERC ¶ 61,104 at P 7 (2004).

<sup>7</sup> See *UGI Devel. Co.*, 89 FERC ¶ 61,162 at 61,587-88 (1999).

<sup>8</sup> See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 at 61,871 (2000).

<sup>9</sup> *AEP Resources, Project Mgmt. Co.*, 74 FERC ¶ 61,202 at 61,674 (1996).

<sup>10</sup> 18 C.F.R. § 366.1.

interconnect the Facility to the transmission grid and to permit the sale of the output of the Facility at wholesale.

4. Applicant does not intend to make any foreign sales of power from the Facility.

5. The electricity produced by the Facility will be sold exclusively at wholesale to third parties within the United States. Entities that will purchase such electricity will resell it either at wholesale or retail.

6. There are no lease arrangements involving the Facility pursuant to which Applicant is the lessor.

7. No portion of the Facility is 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, and that is not an EWG.

8. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility, was in effect under the law of any state on October 24, 1992. As such, no determination or certification by any state commission is necessary prior to certification of Applicant as an EWG.

9. Concurrently with the filing of this Notice with the Commission, Applicant is serving a copy of this Notice on the Public Utility Commission of Texas, which is the state regulatory authority of the state in which the Facility is located.

Respectfully submitted,  
/s/ Vincenzo Franco  
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Dated: November 1, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that this day I have caused to be served the foregoing document on the Public Utility Commission of Texas.

Dated at Baltimore, MD this 1st day of November 2016.

/s/ Vincenzo Franco  
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