

authority under FPA section 205 to begin making wholesale power sales from the Yadkin Project upon consummation of the Transaction, which is anticipated to occur on or about November 1, 2016.

I. COMMUNICATIONS

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II. DESCRIPTION OF SELLER AND ITS AFFILIATES

A. Seller

Seller is a Delaware limited liability company that intends to acquire and own the Yadkin Project. The Yadkin Project consists of four hydroelectric generation facilities and related interconnection facilities located near Badin, North Carolina, with an aggregate generation capacity of 221 MW (summer rating).⁵ The Yadkin Project is interconnected to transmission facilities currently owned and operated by Alcoa Power

⁵ The Yadkin Project, FERC Project No. 2197, consists of the Narrows, Falls, High Rock, and Tuckertown stations.

Generating Inc. – Yadkin Division (APGI – Yadkin).⁶ APGI – Yadkin is its own balancing authority area (BAA), which is interconnected with the BAAs of Duke Energy Carolinas, LLC (Duke Carolinas) and Duke Energy Progress – East (CPE). Upon acquisition of the Yadkin Project, Seller will sell the output of the Yadkin Project exclusively at wholesale to purchasers outside of the APGI – Yadkin BAA.⁷

Seller is a wholly-owned direct subsidiary of Cube Hydro Carolinas LLC, which in turn is a wholly-owned direct subsidiary of Helix Partners LLC (Helix Partners). Helix HoldCo LLC (Helix HoldCo) directly owns 98.5% of the membership interests in Helix Partners.⁸ Helix HoldCo is directly owned by ISQ Hydro Aggregator LLC (ISQ Hydro Aggregator) (62.5%) and ISQ Helix Aggregator LLC (ISQ Helix Aggregator) (28.1%).⁹ Both ISQ Hydro Aggregator and ISQ Helix Aggregator are indirectly controlled by I Squared Capital, a private equity investment manager having a series of limited partnership investment funds operated by a general partner that is wholly controlled by I Squared Capital. Additional information regarding the upstream

⁶ As discussed below, Seller's affiliate Cube Yadkin Transmission intends to acquire the transmission facilities and open access transmission tariff (OATT) of APGI – Yadkin as part of the Transaction.

⁷ The only load in the APGI – Yadkin BAA is Alcoa Inc.'s Badin aluminum smelter plant, which is no longer operating but continues to have approximately 1 MW of electricity demand. Following consummation of the Transaction, Alcoa Inc. will remain solely responsible for serving the electricity requirements of the Badin aluminum smelter plant.

⁸ The remaining 1.5% member of Helix Partners owns or controls less than 10% of the outstanding voting interests of Helix Partners and therefore is not an affiliate of Seller under the Commission's market-based rate regulations.

⁹ No other member of Helix HoldCo owns or controls 10% or more of the voting securities of Helix HoldCo.

ownership and control of ISQ Hydro Aggregator, ISQ Helix Aggregator, and I Squared Capital is provided in confidential Attachment B.¹⁰

B. Seller's Relevant Affiliates

The Yadkin Project is the only generation capacity located within the APGI – Yadkin BAA. As indicated in Attachment A, Seller is affiliated with certain entities that own or control generation facilities in the United States, none of which is located in the Duke Carolinas or CPLE BAAs. Within the PJM Interconnection, L.L.C. (PJM) BAA, which is a first-tier market to the Duke Carolinas and CPLE BAAs, Seller is affiliated with the following entities that own or control approximately 75 MW (summer rating) of generation capacity:

- All Dams Generation, LLC (All Dams), an exempt wholesale generator (EWG)¹¹ that owns and operates two run-of-river hydroelectric qualifying facilities (QFs) with an aggregate generation capacity of 14 MW (summer rating).¹² The Commission has authorized All Dams to sell energy, capacity, and ancillary services at market-based rates.¹³
- Lake Lynn Generation, LLC (Lake Lynn), an EWG¹⁴ that owns and operates a 52 MW (summer rating) hydroelectric generation facility. The Commission

¹⁰ Pursuant to 18 C.F.R. § 388.112, Seller requests confidential treatment of Attachment B, because it contains highly sensitive commercial information that is not otherwise publicly available. The public distribution of this information would cause significant competitive harm to I Squared Capital and its affiliated funds. The information in Attachment B is provided for use by Commission Staff only and should not to be released to the public. Pursuant to 18 C.F.R. § 388.112(b)(2)(i), a proposed form of protective agreement is attached as Attachment E.

¹¹ All Dams filed a Notice of Self-Certification of Exempt Wholesale Generator Status in Docket No. EG14-7-000 on October 10, 2013. The Commission issued a Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status on January 9, 2014.

¹² See Docket Nos. QF86-76 (Allegheny Lock & Dam No. 5) and QF86-167 (Allegheny Lock and Dam No. 6).

¹³ See All Dams Generation, LLC et al., 145 FERC ¶ 61,096 (2013).

¹⁴ Lake Lynn filed a Notice of Self-Certification of Exempt Wholesale Generator Status in Docket No. EG14-6-000 on October 10, 2013. The Commission issued a Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status on January 9, 2014.

has authorized Lake Lynn to sell energy, capacity, and ancillary services at market-based rates.¹⁵

- PE Hydro Generation, LLC (PE Hydro), an EWG¹⁶ that owns and operates seven run-of-river hydroelectric generation facilities with an aggregate generation capacity of approximately 9 MW (summer rating). The Commission has authorized PE Hydro to sell energy, capacity, and ancillary services at market-based rates.¹⁷

In addition, Seller is affiliated with certain generation facilities located within the PJM BAA and the Southern Company Services, Inc. (SOCO) BAA (a first-tier market to the Duke Carolinas BAA), which are QFs that are exempt from section 205 of the FPA.¹⁸ Therefore, in accordance with Order No. 816, Seller is not required to include the capacity of these exempt QFs in any indicative market power screens.¹⁹ Except for the generation facilities identified herein, Seller is not affiliated with any other generation capacity located in the relevant markets or any first-tier markets. Neither Seller nor any of its affiliates currently purchases any capacity and/or energy from an unaffiliated third party under a long-term firm agreement that has an associated long-term firm point-to-point or network service transmission reservation or is from generation capacity designated as a network resource or as a resource with capacity obligations.

¹⁵ See All Dams Generation, LLC et al., 145 FERC ¶ 61,096 (2013).

¹⁶ PE Hydro filed a Notice of Self-Certification of Exempt Wholesale Generator Status in Docket No. EG14-4-000 on October 10, 2013. The Commission issued a Notice of Effectiveness of Exempt Wholesale Generator or Foreign Utility Company Status on January 9, 2014.

¹⁷ See All Dams Generation, LLC et al., 145 FERC ¶ 61,096 (2013).

¹⁸ Within the PJM BAA, Seller is affiliated with York Haven Power Company, LLC, Mahoning Creek Hydroelectric, and NJ Oak Solar, LLC. See Docket Nos. QF07-506, QF14-353, and QF10-683. Within the SOCO BAA, Seller is affiliated with MAS ASB Cogen, LLC and MAS Georgia LFG, LLC. See Docket Nos. QF16-708, QF16-709, and QF16-710.

¹⁹ In Order No. 816, the Commission clarified that QFs that are exempt from section 205 of the FPA in accordance with section 292.601(c) of the Commission's regulations are not required to be included in a seller's indicative market power screens or asset appendix. Order No. 816 at P 255.

In connection with the Transaction, Seller's affiliate Cube Yadkin Transmission LLC (Cube Yadkin Transmission) will acquire approximately 21 miles of 13.8 kV and 100 kV transmission lines that comprise the APGI – Yadkin BAA. The transmission lines are used primarily to export power from the Yadkin Project to wholesale purchasers outside of the APGI – Yadkin BAA; only Alcoa Inc. (Alcoa) currently takes service on the transmission lines to serve approximately 1 MW of electricity demand at its non-operational Badin aluminum smelter plant. Cube Yadkin Transmission also will succeed to the Commission-accepted OATT of APGI – Yadkin that provides the rates, and terms and conditions of any service over the transmission facilities.²⁰ Except for the transmission facilities to be acquired by Cube Yadkin Transmission, neither Seller nor any of its affiliates owns or controls any transmission facilities that are used for the transmission of electricity in interstate commerce in the United States, other than limited and discrete interconnection facilities required to connect individual generation facilities to the transmission grid.

Neither Seller nor any of its affiliates owns or controls any inputs to electric power production in the United States, including intrastate natural gas transportation, intrastate natural gas storage or distribution facilities, physical coal supply sources, or ownership of or control over who may access transportation of coal supplies. Seller is not affiliated with any public utility with a franchised electric service territory in the United States.²¹

²⁰ Alcoa Power Generating Inc., Docket No. ER12-2480-002 (Jan. 10, 2013) (unpublished letter order).

²¹ Cube Yadkin Transmission will not be a public utility with a franchised service obligation under state law and will not have any captive customers.

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

A. Description of Seller's Market-Based Rate Tariff

Seller requests authorization under its proposed Market-Based Rate Tariff to sell energy, capacity, and certain ancillary services to any purchaser that is not a franchised public utility affiliate.²²

B. Satisfaction of Criteria for Market-Based Rates

The Commission permits sales of energy, capacity, and ancillary services at market-based rates if the seller 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.²³ As discussed below, neither Seller nor any of its affiliates has horizontal or vertical market power in the relevant markets. Therefore, the Commission should grant Seller's request for market-based rate authorization.

²² 18 C.F.R. § 35.39 requires separate Commission authorization under section 205 of the FPA for the sales of energy or capacity to a franchised public utility affiliate. Seller is not affiliated, and will not be affiliated following the Transaction, with any public utility with a franchised electric service territory.

²³ See Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities, Order No. 697, 72 Fed. Reg. 39,904 (July 20, 2007), FERC Stats. & Regs. ¶ 31,252 (2007), clarified, 121 FERC ¶ 61,260 (2007), order on reh'g, Order No. 697-A, 73 Fed. Reg. 25,832 (May 7, 2008), FERC Stats. & Regs. ¶ 31,268 (2008), order on reh'g, Order No. 697-B, 73 Fed. Reg. 79,610 (Dec. 30, 2008), FERC Stats. & Regs. ¶ 31,285 (2008), order on reh'g, Order No. 697-C, 74 Fed. Reg. 30,924 (June 29, 2009), FERC Stats. & Regs. ¶ 31,291 (2009), order on reh'g, Order No. 697-D, 75 Fed. Reg. 14,342 (Mar. 25, 2010), FERC Stats. & Regs. ¶ 31,305 (2010), order on clarification, 131 FERC ¶ 61,021 (2010), aff'd sub nom. Mont. Consumer Counsel v. FERC, 659 F.3d 910 (9th Cir. 2011), cert. denied sub nom. Pub. Citizen, Inc. v. FERC, 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 (2001).

1. Seller Lacks Horizontal Market Power

The Commission reviews horizontal market power by assessing the market power of the seller and any of its affiliates that own or control generation in the relevant market.²⁴ The Commission has indicated that the relevant geographic market is the BAA or submarket, as applicable, where the seller's generation is physically located.²⁵ In addition, because Seller will be interconnected to an affiliated transmission owner (Cube Yadkin Transmission), any BAA directly interconnected to Seller's BAA is a relevant market.²⁶ Therefore, Seller's relevant markets are the APGI – Yadkin, CPLE, and Duke Carolinas BAAs.

The APGI – Yadkin BAA is essentially a generation-only BAA.²⁷ Neither Seller nor any of its affiliates will serve any load in the APGI – Yadkin BAA.²⁸ Seller's primary purpose is the production of power to be sold to purchasers outside of the APGI – Yadkin BAA. While Seller is affiliated with Cube Yadkin Transmission, the transmission facilities that will be owned by Cube Yadkin Transmission are used exclusively to export power from the Yadkin Project to other markets with the exception

²⁴ See Order No. 697 at P 232 n.261; AEP Power Mktg. Inc., 107 FERC ¶ 61,018 at P 73 n.63 (2004).

²⁵ See Order No. 697 at P 231; see also AEP Power Mktg. Inc., 107 FERC ¶ 61,018 at P 41, order on reh'g, 108 FERC ¶ 61,026 at P 31.

²⁶ See id. at P 232.

²⁷ This approach is consistent with prior filings by APGI and the Commission's definition of a generation-only BAA in Order No. 816. Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities, Order No. 816, 80 Fed. Reg. 67,056 (Oct. 30, 2015), FERC Stats. & Regs. ¶ 31,374 at P 61 (2015) (footnote omitted), reh'g and clarification, Order No. 816-A, 155 FERC ¶ 61,188 (2016). See Alcoa Power Generating Inc., et al., Updated Market Power Analysis at p 5 & notes 13 & 14, Docket Nos. ER10-3069-005 (June 30, 2014); Alcoa Power Generating Inc., et al., Docket Nos. ER10-3069-005 (Feb. 4, 2015) (unpublished letter order); See also Ohio Valley Electric Corp., 154 FERC ¶ 61,238 at PP 4, 18 & n.8 (2016).

²⁸ Following the Transaction, Alcoa will continue to serve the 1 MW of electricity demand at its Badin aluminum smelter plant. There is no other load within the APGI – Yadkin BAA.

of Alcoa's limited use to serve its non-operational Badin aluminum smelter plant. The Yadkin Project is the only generation connected to the APGI – Yadkin transmission facilities. Further, Seller is not affiliated with a franchised public utility with captive customers. Accordingly, Seller is using the CPLE and Duke Carolinas BAAs as the relevant geographic markets for purposes of its horizontal market power analysis.²⁹ As demonstrated below, Seller passes the pivotal supplier and market share screens for each of the CPLE and Duke Carolinas BAAs.³⁰

a. CPLE BAA

Seller and its affiliates lack horizontal market power in the CPLE BAA. Neither Seller nor any of its affiliates owns, controls, or has reportable purchases of any generation capacity within the CPLE BAA. In first-tier markets to the CPLE BAA, Seller and its affiliates own or control approximately 296 MW, which is the total uncommitted capacity owned or controlled by Seller and its affiliates capable of being delivered into the CPLE BAA. In contrast, the net uncommitted supply in the CPLE BAA is 4,393 MW. These numbers are reflected in Attachment C, which is based on data recently accepted by the Commission.³¹ Because the uncommitted capacity owned

²⁹ See Order No. 816 at P 63.

³⁰ In accordance with Order No. 816, Seller is submitting its pivotal supplier and market share screens in the Commission's new electronic format. See Order No. 816 at P 80. Further, in accordance with the Commission's past guidance, Seller relies on the most recently accepted data for purposes of this analysis. However, because any data filed prior to the January 28, 2016 effective date of Order No. 816 does not report remote capacity or remote long-term purchases and sales, Seller has conservatively assumed no unaffiliated remote capacity and no unaffiliated remote long-term purchases are available for import into either the Duke Carolinas or CPLE BAA. Neither Seller nor any of its affiliates owns or controls any generation capacity within the first-tier markets that is dynamically scheduled or interconnected through a pseudo tie into either the Duke Carolinas or CPLE BAA. Further, neither Seller nor any of its affiliates has any remote long-term purchases or sales within the Duke Carolinas or CPLE BAAs.

³¹ The most recently accepted data available for the CPLE BAA is for the period from

or controlled by Seller and its affiliates is less than the net uncommitted supply in the CPLE BAA, Seller passes the pivotal supplier test.

Seller also passes the market share screen for each of the four seasons in the CPLE BAA as reflected in Attachment C, which is based on data recently accepted by the Commission.³² Seller and its affiliates own or control no more than 4.5% of the total uncommitted capacity in the CPLE BAA in any of the four seasons.³³ Therefore, Seller and its affiliates do not raise any horizontal market power issues in the CPLE BAA.

b. Duke Carolinas BAA

Seller and its affiliates lack horizontal market power in the Duke Carolinas BAA. Neither Seller nor any of its affiliates owns, controls, or has reportable purchases of any generation capacity within the Duke Carolinas BAA. In first-tier markets to the Duke Carolinas BAA, Seller and its affiliates own or control approximately 296 MW, which is the total uncommitted capacity owned or controlled by Seller and its affiliates capable of being delivered into the Duke Carolinas BAA. In contrast, the net uncommitted supply in the Duke Carolinas BAA is 5,696 MW. These numbers are reflected in Attachment C,

December 2011 to November 2012. See South Carolina Electric & Gas Company, Updated Market Power Analysis at Attachment 1, Exhibit JRS-4, Docket No. ER10-2498-002 (Aug. 19, 2015) (SCEG Triennial); South Carolina Electric & Gas Company, Docket No. ER10-2498-002 (Aug. 19, 2015) (unpublished letter order). A copy of the data from the SCEG Triennial is attached as Attachment D. Additionally, Seller has included non-affiliated imported power based on the Commission's most recent simultaneous import limit order for the Southeast region. CinCap V, LLC, 151 FERC ¶ 61,109 (2015).

³² SCEG Triennial at Attachment 1, Exhibit JRS-5.

³³ In accordance with the Commission's December 14, 2007 Order Clarifying Final Rule issued in Docket No. RM04-7-003, Seller hereby confirms that there would be no significant increase in Seller's seasonal market shares in the CPLE BAA if more recent data had been used to conduct the market power analysis. Seller is not aware of any material changes in market conditions in the CPLE BAA. Further, based on the information reported by CPLE in its FERC Form No. 714 filing for the year ending December 31, 2015, Seller's market shares using more recent data would continue to be significantly less than 20% in all seasons in the CPLE BAA.

which is based on data recently accepted by the Commission.³⁴ Because the uncommitted capacity owned or controlled by Seller and its affiliates is less than the net uncommitted supply in the Duke Carolinas BAA, Seller passes the pivotal supplier test.

Seller also passes the market share screen for each of the four seasons in the Duke Carolinas BAA as reflected in Attachment C, which is based on data recently accepted by the Commission.³⁵ Seller and its affiliates own or control no more than 3.3% of the total uncommitted capacity in the Duke Carolinas BAA in any of the four seasons.³⁶ Therefore, Seller and its affiliates do not raise any horizontal market power issues in the Duke Carolinas BAA.

2. Seller Lacks Vertical Market Power

As discussed above, Seller is affiliated with Cube Yadkin Transmission, which will own the APGI – Yadkin transmission facilities. Cube Yadkin Transmission will succeed to the APGI – Yadkin OATT and will maintain an OATT on file for the provision of any service on its transmission facilities. The Commission has held that an OATT mitigates any vertical market power concerns.³⁷ Aside from the facilities of Cube Yadkin Transmission, neither Seller nor any of its affiliates owns or controls any

³⁴ SCEG Triennial at Attachment 1, Exhibit JRS-6.

³⁵ Id. at Attachment 1, Exhibit JRS-7.

³⁶ In accordance with the Commission’s December 14, 2007 Order Clarifying Final Rule issued in Docket No. RM04-7-003, Seller hereby confirms that there would be no significant increase in Seller’s seasonal market shares in the Duke Carolinas BAA if more recent data had been used to conduct the market power analysis. Seller is not aware of any material changes in market conditions in the Duke Carolinas BAA. Further, based on the information reported by Duke Carolinas in its FERC Form No. 714 filing for the year ending December 31, 2015, Seller’s market shares using more recent data would continue to be significantly less than 20% in all seasons in the Duke Carolinas BAA.

³⁷ See 18 C.F.R. § 35.37(d); Order No. 697 at P 21 (“With regard to vertical market power and, in particular, transmission market power, the Commission continues the current policy under which an OATT is deemed to mitigate a seller’s transmission market power.”).

transmission facilities that are used for the transmission of electricity in interstate commerce in the United States, other than the limited and discrete interconnection facilities solely used to connect individual generating facilities to the transmission grid. Seller affirms that each of Seller and its affiliates that own or control limited and discrete transmission facilities qualifies for the blanket OATT waiver pursuant to section 35.28(d)(2) of the Commission's regulations.³⁸

Neither Seller nor any of its affiliates owns or controls any inputs to electric power production, including intrastate natural gas transportation, intrastate natural gas storage or distribution facilities, sources of coal supplies, or the transportation of coal supplies that could be used as barriers to entry in any market. Seller further affirms that Seller and its affiliates have not erected barriers to entry in the relevant markets and will not erect barriers to entry in the relevant markets. Therefore, Seller lacks vertical market power.

3. There Is No Potential for Affiliate Abuse or Reciprocal Dealing

The Commission has traditionally indicated its concern that a public utility having a franchised service territory and an affiliate may be able to transact in ways that transfer benefits from the captive customers of the franchised utility to the affiliate and its shareholders. In Order No. 697, the Commission discontinued considering affiliate abuse as a separate "prong" of the market-based rate analysis and codified affiliate restrictions in the Commission's regulations as a condition of obtaining and retaining market-based

³⁸ 18 C.F.R. § 35.28(d)(2) (as amended by Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities, Order No. 807, 80 Fed. Reg. 17,654 (Apr. 1, 2014), FERC Stats. & Regs. ¶ 31,367, at PP 55, 57 (2015), order denying reh'g, Order No. 807-A, 153 FERC ¶ 61,047 (2015)).

rate authority. Seller agrees to abide by the Commission's codified affiliate restrictions as a condition of its market-based rate authority.

C. Ancillary Services

Seller also seeks authorization to sell certain ancillary services in the markets administered by PJM. 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 market operated by PJM, Seller relies, in the same manner as other sellers, on the study submitted and accepted by the Commission in previous orders.³⁹ In addition, Seller seeks authorization to sell ancillary services at market-based rates under the requirements set forth in Avista Corp.,⁴⁰ as modified by Order Nos. 697,⁴¹ 784,⁴² and 819,⁴³ in markets for which the Commission has not accepted a market power study and has not generally authorized the sale of ancillary services at market-based rates. Seller has included in its tariff the Commission's standard tariff provisions for the proposed sales of ancillary services described above.

D. Reporting Requirements

Seller agrees to comply with the reporting requirements normally imposed on sellers that are permitted to sell power at market-based rates. In particular, Seller will file Electric Quarterly Reports (EQRs) concerning its sales in conformance with the

³⁹ See, e.g., Atlantic City Elec. Co., 85 FERC ¶ 61,379 (1998), reh'g denied, 95 FERC ¶ 61,074 (2000).

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

⁴¹ See Order No. 697 at PP 1058-61.

⁴² Third-Party Provision of Ancillary Services, Accounting and Financial Reporting for New Electric Storage Technologies, Order No. 784, 78 Fed. Reg. ¶ 46,177 (July 18, 2013), FERC Stats. & Regs. ¶ 31,349 at PP 200-201 (2013), order on reh'g, 146 FERC ¶ 61,114 (2014).

⁴³ Third-Party Provision of Primary Frequency Response Service, Order No. 819, 80 Fed. Reg. 73,965 (Nov. 27, 2015), FERC Stats. & Regs. ¶ 31,375 at PP 70-71 (2015).

Commission's requirements.⁴⁴ Seller also will file an updated market power analysis pursuant to the Commission's regional schedule adopted in Order No. 697 to the extent applicable. In addition, pursuant to the requirements set forth in section 35.42 of the Commission's regulations, Seller 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 Seller market-based rate authority.⁴⁵

Seller also agrees to comply with the Commission's market behavior rules codified at 18 C.F.R. § 35.41. In accordance with section 35.41(c) of the Commission's regulations, as amended by Order Nos. 768 and 768-A,⁴⁶ to the extent Seller engages in reporting of transactions to publishers of electric or natural gas price indices it will identify in its EQRs the publishers of electricity and natural gas indices to which it reports its transactions.

⁴⁴ Revised Public Utility Filing Requirements, Order No. 2001, FERC Stats. & Regs. ¶ 31,127 (2002), order on reh'g, Order No. 2001-A, 100 FERC ¶ 61,074 (2002), order on reconsideration and clarification, Order No. 2001-B, 100 FERC ¶ 61,342 (2002), order directing filings, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), order directing refiling, Order No. 2001-D, 102 FERC ¶ 61,334 (2003), order on filing requirements, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), clarification order, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), order adopting dictionary, Order No. 2001-G, 120 FERC ¶ 61,270 (2007), clarification order, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), order revising EQR data dictionary, Order No. 2001-I, 73 Fed. Reg. 65,526 (Nov. 4, 2008), FERC Stats. & Regs. ¶ 31,282 (2008); Electricity Market Transparency Provisions of Section 220 of the Federal Power Act, Order No. 768, 77 Fed. Reg. 61,896 (Oct. 11, 2012), FERC Stats. & Regs. ¶ 31,336 (2012), order partially extending compliance date, 142 FERC ¶ 61,105 (2013); order on reh'g, Order No. 768-A, 78 Fed. Reg. 24,101 (Apr. 24, 2013), 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 electronic quarterly reports); Revisions to Electric Quarterly Report Filing Process, Order No. 770, 77 Fed. Reg. 71,288 (Nov. 30, 2012), FERC Stats. & Regs. ¶ 31,338 (2012) (adopting filing of EQRs in XML format).

⁴⁵ See 18 C.F.R. § 35.42.

⁴⁶ Order No. 768 at PP 137-138, 178; Order No. 768-A at PP 40, 47.

E. 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; (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.⁴⁷ Category 2 Sellers are all sellers that are not Category 1 Sellers.⁴⁸ Category 2 Sellers are required to submit updated market analyses every three years pursuant to the Commission's regional schedule.

As discussed above, Seller is affiliated with Cube Yadkin Transmission, which will own and operate transmission facilities in the same region as Seller's generation facilities. Accordingly, Seller is a Category 2 Seller, as defined in 18 C.F.R. § 35.36(a) of the Commission's regulations, in the Southeast region.

Seller is a Category 1 Seller in all other regions. Seller does not own or control generation in any other region. Therefore, Seller owns or controls less than 500 MW of generation in the aggregate in all other regions, and there is no overlap between Seller's generation assets and any transmission facilities in any other region. Seller does not own or control any transmission facilities other than limited and discrete equipment necessary to connect Seller's individual generating facilities to the transmission grid. Further,

⁴⁷ 18 C.F.R. § 35.36(a)(2).

⁴⁸ Id. § 35.36(a)(3).

Seller is not affiliated with a franchised public utility in any region and does not raise other vertical market power issues. Accordingly, Seller meets the criteria for classification as a Category 1 Seller, as defined in 18 C.F.R. § 35.36(a) of the Commission's regulations, in the Central, Northeast, Northwest, Southwest, and SPP regions.

IV. REQUEST FOR PRE-APPROVALS AND WAIVERS

Seller seeks the same pre-approvals and waivers of Commission rules and filing requirements previously granted to other sellers permitted to sell at market-based rates.

This relief consists of:

- Waiver of Parts 41, 101 with the exception that waiver of the provisions that apply to hydropower licensees has not granted with respect to licensed hydropower projects, and 141 of the Commission's accounting and periodic reporting regulations except for 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; and
- Blanket approval under Part 34 for all future issuances of securities and assumptions of liability.

V. REQUESTED EFFECTIVE DATE

Seller respectfully requests that its tariff become effective 62 days following the date of this filing – September 25, 2016.

VI. REQUEST FOR CONFIDENTIAL TREATMENT

Pursuant to sections 388.112 and 385.1112 of the Commission's regulations,⁴⁹ Seller requests confidential treatment of Attachment B, because it contains information that is privileged or confidential and not publicly available. The information in Attachment B is for use by Commission Staff only and should not be released to the

⁴⁹ Id. §§ 388.112 and 385.1112.

public. Pursuant to 18 C.F.R. § 388.112(b)(2)(i), a proposed form of protective agreement is attached to this Petition.

VII. CONCLUSION

WHEREFORE, for the reasons stated above, Seller requests that (i) Seller's proposed Market-Based Rate Tariff be accepted for filing effective September 25, 2016; (ii) the Commission grant its requests for waivers and blanket approvals; and (iii) and the Commission grant its request for confidential treatment of Attachment B.

Respectfully submitted,

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Counsel for Cube Yadkin Generation LLC

July 25, 2016

Public Exhibit

ATTACHMENT B

Confidential Information
Has Been Removed for Privileged Treatment

ATTACHMENT D

**EXCERPT OF DATA FROM
SCEG TRIENNIAL**

PUBLIC

ORIGINAL

JONES DAY

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July 14, 2014

VIA HAND DELIVERY

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First St. NE
Washington, DC 20426

FILED
SECRETARY OF THE
COMMISSION
2014 JUL 14 P 12:30
FEDERAL ENERGY
REGULATORY COMMISSION

**Re: South Carolina Electric & Gas Company, Docket No. ER10-2498-002
Updated Market Power Analysis**

Dear Ms. Bose:

Pursuant to the Regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”),¹ South Carolina Electric & Gas Company (“SCE&G”) hereby submits an updated market power analysis supporting SCE&G’s continued authorization to make wholesale electricity sales at market-based rates.²

This submittal consists of this transmittal letter and the following materials:

Attachment 1: the affidavit of SCE&G’s market power and competition witness, Julie R. Solomon, Managing Director of Navigant Consulting, Inc., describing the horizontal and vertical market power analyses she performed in conformity with Commission requirements and the results of those analyses (“Solomon Affidavit”), along with exhibits in support thereof;

Attachment 2: the Summary Table of the Components Used to Calculate SIL Values (Submittal 1) and the table of Long-Term Firm Transmission Reservations (Submittal 2), as required by the Commission’s June 17, 2011 order in *Puget Sound Energy, Inc.*³;

Attachment 3: an Appendix of Assets, as required by 18 C.F.R. § 35.37(a)(2) (2014);

Attachment 4: a Protective Order establishing procedures for the review of the information for which SCE&G is requesting confidential treatment; and

¹ See 18 C.F.R. § 35.37 (2014).

² On June 27, 2014, SCE&G filed a motion for 14-day extension (to July 14, 2014) of the date for its triennial filing, to accommodate proper internal review after unexpected delays in the completion of the region-wide Simultaneous Import Limitation (“SIL”) study.

³ *Puget Sound Energy, Inc.*, 135 FERC ¶ 61,254 (2011).

PUBLIC

Exhibit JRS-4

Part I -- Pivotal Supplier Analysis (SCE&G)

		CPL		
Row	Generation	MW	Reference (December '11 - November '12)	
	Seller and Affiliate Capacity			
A	Installed Capacity	-		
B	Long-Term Firm Purchases	-		
C	Long-Term Firm Sales	-		
D	Imported Power	29	Wkp-Import Allocation	
	Non-Affiliate Capacity			
E	Installed Capacity	14,592	Wkp - Generation less Row A above	
F	Long-Term Firm Purchases	810	Wkp-Non-Affiliates' Imports	
G	Long-Term Firm Sales	-		
H	Imported Power	1,492	Wkp - SILs less Row D above	
I	Balancing Authority Area Reserve Requirement	(342)	Wkp - Operating Reserves	
J	Amount of Line I Attributable to Seller, if any	-		
K	Total Uncommitted Capacity	5,659	SUM (A,B,C,D,E,F,G,H,I,M)	
	Load			
L	Balancing Authority Area Annual Peak Load	12,188	Wkp - Load Summary	
M	Average Daily Peak Native Load in Peak Month	(10,921)	Wkp - Load Summary	
N	Amount of Line M Attributable to Seller, if any	-		
O	Wholesale Load	1,266	(L+M)	
P	Net Uncommitted Supply	4,393	(K-O)	
Q	Seller's Uncommitted Capacity	29	SUM (A,B,C,D,J,N)	
R	Result of Pivotal Supplier Screen	PASS	(Pass if (Q < P); (Fail if Q > P)	

Exhibit JRS-5

Part II -- Market Share Analysis (SCE&G)

CPLÉ

Row	Winter (MW)	Spring (MW)	Summer (MW)	Fall (MW)	Reference December '11 - November '12
Seller and Affiliate Capacity					
A	-	-	-	-	
B	-	-	-	-	
C	-	-	-	-	
D	-	-	-	-	
E	90	58	30	32	Wkp-Import Allocation
Capacity Deductions					
F	(8,162)	(7,342)	(9,956)	(7,855)	Wkp - Load Summary
G	-	-	-	-	
H	(8,162)	(7,342)	(9,956)	(7,855)	
I	(363)	(357)	(342)	(358)	Wkp - Operating Reserves
J	-	-	-	-	
K	(363)	(357)	(342)	(358)	
Non-Affiliate Capacity					
L	15,655	15,657	14,592	14,691	Wkp - Generation less Row A above
M	649	749	810	749	Wkp-Non-Affiliates' Imports
N	-	-	-	-	
O	(355)	(1,616)	-	(932)	Wkp - Outages
P	4,308	2,569	1,491	1,734	Wkp - SILs less Row E above
Supply Calculation					
Q	11,732	9,661	6,595	8,029	SUM (L,M,N,O,P,H,K)
R	90	58	30	32	SUM (A,B,C,D,E,G,J)
S	11,822	9,719	6,625	8,061	SUM (Q,R)
T	0.8%	0.6%	0.5%	0.4%	(R/S)
Results	PASS	PASS	PASS	PASS	Pass if T <20%; Fail if T > 20%

Exhibit JRS-6

Part I -- Pivotal Supplier Analysis (SCE&G)

		DUK	
Row	Generation	MW	Reference (December '11 - November '12)
	Seller and Affiliate Capacity		
A	Installed Capacity	-	
B	Long-Term Firm Purchases	-	
C	Long-Term Firm Sales	-	
D	Imported Power	21	Wkp-Import Allocation
	Non-Affiliate Capacity		
E	Installed Capacity	22,544	Wkp - Generation less Row A above
F	Long-Term Firm Purchases	1,510	Wkp-Non-Affiliates' Imports
G	Long-Term Firm Sales	-	
H	Imported Power	1,587	Wkp - SILs less Row D above
I	Balancing Authority Area Reserve Requirement	(493)	Wkp - Operating Reserves
J	Amount of Line I Attributable to Seller, if any	-	
K	Total Uncommitted Capacity	7,897	SUM (A,B,C,D,E,F,G,H,I,M)
	Load		
L	Balancing Authority Area Annual Peak Load	19,473	Wkp - Load Summary
M	Average Daily Peak Native Load in Peak Month	(17,273)	Wkp - Load Summary
N	Amount of Line M Attributable to Seller, if any	-	
O	Wholesale Load	2,200	(L+M)
P	Net Uncommitted Supply	5,697	(K-O)
Q	Seller's Uncommitted Capacity	21	SUM (A,B,C,D,J,N)
R	Result of Pivotal Supplier Screen	PASS	(Pass if (Q < P); (Fail if Q > P)

Exhibit JRS-7

Part II -- Market Share Analysis (SCE&G)

DUK

Row	Winter (MW)	Spring (MW)	Summer (MW)	Fall (MW)	Reference
					December '11 - November '12
Seller and Affiliate Capacity					
A	-	-	-	-	
B	-	-	-	-	
C	-	-	-	-	
D	-	-	-	-	
E	29	27	23	15	Wkp-Import Allocation
Capacity Deductions					
F	(12,862)	(12,064)	(16,044)	(12,293)	Wkp - Load Summary
G	-	-	-	-	
H	(12,862)	(12,064)	(16,044)	(12,293)	
I	(501)	(515)	(493)	(501)	Wkp - Operating Reserves
J	-	-	-	-	
K	(501)	(515)	(493)	(501)	
Non-Affiliate Capacity					
L	23,672	23,395	22,544	23,021	Wkp - Generation less Row A above
M	1,406	948	1,510	1,130	Wkp-Non-Affiliates' Imports
N	-	-	-	-	
O	(993)	(1,662)	(58)	(2,409)	Wkp - Outages
P	1,966	1,721	1,585	1,184	Wkp - SILs less Row E above
Supply Calculation					
Q	12,687	11,822	9,044	10,132	SUM (L,M,N,O,P,H,K)
R	29	27	23	15	SUM (A,B,C,D,E,G,J)
S	12,717	11,849	9,068	10,147	SUM (Q,R)
T	0.2%	0.2%	0.3%	0.1%	(R/S)
	PASS	PASS	PASS	PASS	Pass if T <20%; Fail if T > 20%
Seller's Market Share Results					

ATTACHMENT E
PROTECTIVE AGREEMENT

information the words “Contains Critical Energy Infrastructure Information—“Do Not Release.”

(2) The term “Notes of Protected Materials” means memoranda, handwritten notes, or any other form of information (including electronic form) which copies or discloses materials described in Paragraph 3(a)(1). Notes of Protected Materials are subject to the same restrictions provided in this Agreement for Protected Materials except as specifically provided in this Agreement.

(3) Protected Materials shall not include (A) any information or document contained in the publicly available files of the Commission or of any other federal or state agency, or any federal or state court, unless the information or document has been determined to be protected by such agency or court, or (B) information that is public knowledge, or which becomes public knowledge, other than through disclosure in violation of this Agreement, or (C) any information or document labeled as “Non-Internet Public” by a Party, in accordance with Paragraph 30 of FERC Order No. 630, FERC Stats. & Regs. ¶ 31,140 (2003). Protected Materials do include any information or documents contained in the files of the Commission that have been designated as Critical Energy Infrastructure Information.

(b) The term “Non-Disclosure Certificate” shall mean the certificate annexed hereto by which Reviewing Representatives have been granted access to Protected Materials shall certify their understanding that such access to Protected Materials is provided pursuant to the terms and restrictions of this Agreement, and that they have read the Agreement and agree to be bound by it. Each Party shall provide a copy of the Non-Disclosure Certificate(s) executed by its Reviewing Representative(s) to the other Party prior to such Reviewing Representative(s) receiving access to any Protected Materials.

(c) The term “Reviewing Representative” shall mean a person who has signed a Non-Disclosure Certificate and who is:

(1) an attorney retained by a Party for purposes of this proceeding;

(2) attorneys, paralegals, and other employees associated for purposes of this proceeding with an attorney described in Paragraph (3)(c)(1);

(3) an expert or an employee of an expert retained by a Party for the purpose of advising, preparing for or testifying in this proceeding;

(4) a person designated as a Reviewing Representative by order of the Commission; or

(5) employees or other representatives of a Party with significant responsibility for matters involving this proceeding.

4. Protected Materials shall be made available under the terms of this Agreement only to Parties and only through their Reviewing Representative(s) as provided in Paragraphs 7–9.
5. Protected Materials shall remain available to a Party until the later of the date that an order terminating this proceeding becomes no longer subject to judicial review, or the date that any other Commission proceeding relating to the Protected Material is concluded and no longer subject to judicial review. If requested to do so in writing after that date, the Party shall, within fifteen days of such request, return the Protected Materials (excluding Notes of Protected Materials) to the Party that produced them, or shall destroy the materials, except that copies of filings, official transcripts and exhibits in this proceeding that contain Protected Materials, and Notes of Protected Materials may be retained, if they are maintained in accordance with Paragraph 6, below. Within such time period the Party, if requested to do so, shall also submit to the producing Party an affidavit stating that, to the best of its knowledge, all Protected Materials and all Notes of Protected Materials have been returned or have been destroyed or will be maintained in accordance with Paragraph 6. To the extent Protected Materials are not returned or destroyed, they shall remain subject to this Agreement.
6. All Protected Materials shall be maintained by the Party in a secure place. Access to those materials shall be limited to those Reviewing Representatives specifically authorized pursuant to Paragraphs 8–9.
7. Protected Materials shall be treated as confidential by the Party and its Reviewing Representative(s) in accordance with the certificate executed pursuant to Paragraph 9. Protected Materials shall not be used except as necessary for the conduct of this proceeding, nor shall they be disclosed in any manner to any person except a Reviewing Representative who is engaged in the conduct of this proceeding and who needs to know the information in order to carry out that person’s responsibilities in this proceeding. Reviewing Representatives may make copies of Protected Materials, but such copies become Protected Materials. Reviewing Representatives may make notes of Protected Materials, which shall be treated as Notes of Protected Materials if they disclose the contents of Protected Materials.
8. (a) If a Reviewing Representative’s scope of employment includes the marketing of energy or the buying or selling of electric generation or transmission assets, the direct supervision of any employee or employees whose duties include the foregoing, the provision of consulting services to any person whose duties include the foregoing, or the direct supervision of any employee or employees whose duties include the foregoing, such Reviewing Representative may not use information contained in any Protected Materials obtained through this proceeding to give any Party or any competitor of any Party a commercial advantage.

(b) In the event that a Party wishes to designate as a Reviewing Representative a person not described in Paragraph 3(c) above, the Party shall seek agreement from the Party providing the Protected Materials. If an agreement is reached that person shall be a

Reviewing Representative pursuant to Paragraphs 3(c) above with respect to those materials. If no agreement is reached, the Party shall submit the disputed designation to the Commission for resolution.

9. (a) A Reviewing Representative shall not be permitted to inspect, participate in discussions regarding, or otherwise be permitted access to Protected Materials pursuant to this Agreement unless that Reviewing Representative has first executed a Non-Disclosure Certificate; provided, that if an attorney qualified as a Reviewing Representative has executed such a certificate, the paralegals, secretarial and clerical personnel under the attorney's instruction, supervision or control need not do so. A copy of each Non-Disclosure Certificate shall be provided to counsel for the Party asserting confidentiality prior to disclosure of any Protected Material to that Reviewing Representative.

(b) Attorneys qualified as Reviewing Representatives are responsible for ensuring that persons under their supervision or control comply with this Agreement.

10. Any Reviewing Representative may disclose Protected Materials to any other Reviewing Representative as long as the disclosing Reviewing Representative and the receiving Reviewing Representative both have executed a Non-Disclosure Certificate. In the event that any Reviewing Representative to whom the Protected Materials are disclosed ceases to be engaged in these proceedings, or is employed or retained for a position whose occupant is not qualified to be a Reviewing Representative under Paragraph 3(c), access to Protected Materials by that person shall be terminated. Even if no longer engaged in this proceeding, every person who has executed a Non-Disclosure Certificate shall continue to be bound by the provisions of this Agreement and the certification.

11. Subject to Paragraph 18, the Commission shall resolve any disputes arising under this Agreement. Prior to presenting any dispute under this Agreement to the Commission, the parties to the dispute shall use their best efforts to resolve it. If a Party contests the designation of materials as protected, it shall notify the Party that provided the Protected Materials by specifying in writing the materials whose designation is contested. This Agreement shall automatically cease to apply to such materials five (5) business days after the notification is made unless the Party, within said 5-day period, files a motion with the Commission, with supporting affidavits, demonstrating that the materials should continue to be protected. In any challenge to the designation of materials as protected, the burden of proof shall be on the Party seeking protection. If the Commission finds that the materials at issue are not entitled to protection, the procedures of Paragraph 18 shall apply. The procedures described above shall not apply to Protected Materials designated by a Party as Critical Energy Infrastructure Information. Materials so designated shall remain protected and subject to the provisions of this Agreement unless a Party requests and obtains a determination from the Commission's Critical Energy Infrastructure Information Coordinator that such materials need not remain protected.

12. All copies of all documents reflecting Protected Materials, including the portion of any hearing testimony, exhibits, transcripts, briefs and other documents which refer to Protected Materials, shall be filed and served in sealed envelopes or by other appropriate means endorsed to the effect that they are protected pursuant to this Agreement. Such documents shall be marked "PROTECTED MATERIALS" and shall be filed under seal and served under seal upon the Commission and all Reviewing Representatives who are on the service list. Such documents containing Critical Energy Infrastructure Information shall be additionally marked "Contains Critical Energy Infrastructure Information Do Not Release." For anything filed under seal, redacted versions or, where an entire document is protected, a letter indicating such, will also be filed with the Commission and served on all parties on the service list. Counsel for the producing Party shall, upon the request of a Party, provide a list of Reviewing Representatives who are entitled to receive such material. Counsel shall take all reasonable precautions necessary to assure that Protected Materials are not distributed to unauthorized persons.

13. If any Party desires to include, utilize or refer to any Protected Materials or information derived therefrom in pleadings, testimony or exhibits to these proceedings in such a manner that might require disclosure of such material to persons other than Reviewing Representatives, such Party shall first notify both counsel for the disclosing Party and the Commission of such desire, identifying with particularity each of the Protected Materials. Thereafter, use of such Protected Materials will be governed by procedures determined by the Commission.

14. Nothing in this Agreement shall be construed as precluding any Party from objecting to the use of Protected Materials on any legal grounds.

15. Nothing in this Agreement shall preclude any Party from requesting the Commission or any other body having appropriate authority to find that this Agreement should not apply to all or any materials previously designated as Protected Materials pursuant to this Agreement. The Commission may alter or amend this Agreement as circumstances warrant at any time during the course of this proceeding.

16. The Parties may amend this Agreement only by mutual consent and in writing; provided, however, that a Party has the right to seek changes to this Agreement as appropriate from the Commission.

17. All Protected Materials filed with the Commission or any other judicial or administrative body, in support of, or as a part of, a motion, other pleading, brief, or other document, shall be filed and served in sealed envelopes or other appropriate means bearing prominent markings indicating that the contents include Protected Materials subject to this Agreement. Such documents containing Critical Energy Infrastructure Information shall be additionally marked "Contains Critical Energy Infrastructure Information – Do Not Release."

18. If the Commission finds at any time in the course of this proceeding that all or part of the Protected Materials need not be protected, those materials shall, nevertheless,

be subject to the protection afforded by this Agreement for three (3) business days from the date of issuance of the Commission's decision, and if the Party seeking protection files an interlocutory appeal or requests that the issue be certified to the Commission, for an additional seven (7) business days. No Party waives its rights to seek additional administrative or judicial remedies after the Commission's decision respecting Protected Materials or Reviewing Representatives, or the Commission's denial of any appeal thereof. The provisions of 18 C.F.R. §§ 388.112 and 388.113 shall apply to any requests for Protected Materials in the files of the Commission under the Freedom of Information Act (5 U.S.C. § 552).

19. Nothing in this Agreement shall be deemed to preclude any Party from independently seeking through discovery in any other administrative or judicial proceeding information or materials produced in this proceeding under this Agreement.

20. No Party waives the right to pursue any other legal or equitable remedies that may be available in the event of actual or anticipated disclosure of Protected Materials.

21. The contents of Protected Materials or any other form of information that copies or discloses Protected Materials shall not be disclosed to anyone other than in accordance with this Agreement and shall be used only in connection with this proceeding. Any violation of this Agreement and of any Non-Disclosure Certificate executed hereunder shall constitute a violation of an order of the Commission.

IN WITNESS WHEREOF, the Parties each have caused this Protective Agreement to be signed by their respective duly authorized representatives as of the date first set forth above.

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Representing Applicant

Representing Intervenor

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

Cube Yadkin Generation LLC) Docket No. ER16-____-000

NON-DISCLOSURE CERTIFICATE

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Agreement dated _____ by and between [Applicant] and [Intervenor] concerning materials in Federal Energy Regulatory Commission Docket No. _____, that I have been given a copy of and have read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials, any notes or other memoranda, or any other form of information that copies or discloses Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Agreement. I acknowledge that a violation of this certificate constitutes a violation of an order of the Federal Energy Regulatory Commission.

By: _____

Name: _____

Title: _____

Representing: _____

MARKET-BASED RATE TARIFF

1. Availability: Cube Yadkin Generation LLC (Seller) makes electric energy and capacity available under this Rate Schedule to any purchaser for resale. Seller also makes available to any purchaser the ancillary services listed in this Paragraph 1:

RTO/ISO Specific

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.

Third Party Provider

Third-party ancillary services: Seller offers Regulation Service, Reactive Supply and Voltage Control Service, Energy and Generator Imbalance Service, Operating Reserve-Spinning, Operating Reserve-Supplemental, and Primary Frequency Response Service. 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 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.

2. Applicability: This Tariff is applicable to all sales of energy and capacity by Seller, which are (a) subject to the jurisdiction of the Commission, and (b) not made pursuant to another tariff on file with the Commission.
3. Rates: All sales shall be made at rates established by agreement between the purchaser and Seller.

4. Other Terms and Conditions: All other terms and conditions shall be established by agreement between the purchaser and Seller.
5. Compliance with Commission Regulations: Seller shall comply with the provisions of 18 C.F.R. 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 C.F.R. 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.
6. Limitations and Exemptions Regarding Market-Based Rate Authority: The Commission granted in Docket No. ER16-____-000, the following waivers and blanket authorization: (i) waiver of Parts 41, 101 with the exception that waiver of the provisions that apply to hydropower licensees has not granted with respect to licensed hydropower projects, and 141 of the Commission's regulations, except as to sections 141.14 and 141.15; (ii) waiver of Subparts B and C of Part 35 of the Commission's regulations, except for Sections 35.12(a), 35.13(b), 35.15 and 35.16; and (iii) blanket approval as to Section 204 of the FPA and Part 34 of the Commission's regulations for all future issuances of securities and debt and assumptions of liabilities.
7. Seller Category: Seller is a Category 2 Seller, as defined in 18 C.F.R. § 35.36(a), in the Southeast region. Seller is a Category 1 Seller, as defined in 18 C.F.R. § 35.36(a), in the Central, Northeast, Northwest, Southwest, and Southwest Power Pool regions.
8. Effective Date. This Tariff is effective on such date as set by the Commission.

FERC rendition of the electronically filed tariff records in Docket No. ER16-02278-000

Filing Data:

CID: C005337

Filing Title: MBR Application

Company Filing Identifier: 664

Type of Filing Code: 400

Associated Filing Identifier:

Tariff Title: MBR Tariff

Tariff ID: 928

Payment Confirmation:

Suspension Motion:

Tariff Record Data:

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

Cube Yadkin Generation, MBR Tariff, 0.0.0, A

Record Narrative Name:

Tariff Record ID: 1

Tariff Record Collation Value: 1000000 Tariff Record Parent Identifier: 0

Proposed Date: 2016-09-25

Priority Order: 500

Record Change Type: NEW

Record Content Type: 1

Associated Filing Identifier:

MARKET-BASED RATE TARIFF

1. **Availability:** Cube Yadkin Generation LLC (Seller) makes electric energy and capacity available under this Rate Schedule to any purchaser for resale. Seller also makes available to any purchaser the ancillary services listed in this Paragraph 1:

RTO/ISO Specific

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.

Third Party Provider

Third-party ancillary services: Seller offers Regulation Service, Reactive Supply and Voltage Control Service, Energy and Generator Imbalance Service, Operating Reserve-Spinning, Operating Reserve-Supplemental, and Primary Frequency Response Service. 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 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.

2. Applicability: This Tariff is applicable to all sales of energy and capacity by Seller, which are (a) subject to the jurisdiction of the Commission, and (b) not made pursuant to another tariff on file with the Commission.
3. Rates: All sales shall be made at rates established by agreement between the purchaser and Seller.
4. Other Terms and Conditions: All other terms and conditions shall be established by agreement between the purchaser and Seller.
5. Compliance with Commission Regulations: Seller shall comply with the provisions of 18 C.F.R. 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 C.F.R. 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.
6. Limitations and Exemptions Regarding Market-Based Rate Authority: The Commission granted in Docket No. ER16-___-000, the following waivers and blanket authorization: (i) waiver of Parts 41, 101 with the exception that waiver of the provisions that apply to hydropower licensees has not granted with respect to licensed hydropower projects, and 141 of the Commission's regulations, except as to sections 141.14 and 141.15; (ii) waiver of Subparts B and C of Part 35 of the Commission's regulations, except for Sections 35.12(a), 35.13(b), 35.15 and 35.16; and (iii) blanket approval as to Section 204 of the FPA and Part 34 of the Commission's regulations for all future issuances of securities and debt and assumptions of liabilities.
7. Seller Category: Seller is a Category 2 Seller, as defined in 18 C.F.R. § 35.36(a), in the Southeast region. Seller is a Category 1 Seller, as defined in 18 C.F.R. § 35.36(a), in the Central, Northeast, Northwest, Southwest, and Southwest Power Pool regions.
8. Effective Date. This Tariff is effective on such date as set by the Commission.

I Squared Capital Advisors and Affiliates
Asset Appendix: Generation Assets
(as of July 2016)

Attachment A

[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	[J]	[K]	[L]	[M]
Filing Entity and its Energy Affiliates	Docket # where MBR authority was granted	Generation Name (Plant or Unit Name)	Owned By	Controlled By	Date Control Transferred	Location		In-Service Date	Capacity Rating: Nameplate (MW)	Capacity Rating: Used in Filing (MW)	Capacity Rating: Methodology Used in [K]: (N)ameplate, (S)easonal, 5-yr (U)nit, 5-yr (E)JA, (A)lternative	End Note Number (Enter text in End Notes Sheet)
						Market / Balancing Authority Area	Geographic Region					
Cube Yadkin Generation LLC ("Cube Yadkin Generation")	ER16-____ (instant petition)	Narrows	Cube Yadkin Generation	Cube Yadkin Generation	N/A	YAD	Southeast	07/1917 12/1924	108.8	119	S	
Cube Yadkin Generation	ER16-____ (instant petition)	Falls Hydro	Cube Yadkin Generation	Cube Yadkin Generation	N/A	YAD	Southeast	09/1919 03/1922	31.4	30 (s)/ 30.5 (w)	S	
Cube Yadkin Generation	ER16-____ (instant petition)	High Rock Hydro	Cube Yadkin Generation	Cube Yadkin Generation	N/A	YAD	Southeast	11/1927	33	33 (s)/ 30.3 (w)	S	
Cube Yadkin Generation	ER16-____ (instant petition)	Tuckertown Hydro	Cube Yadkin Generation	Cube Yadkin Generation	N/A	YAD	Southeast	4/1962	42	39	S	
All Dams Generation, LLC ("All Dams")	ER13-2318	Allegheny Lock & Dam No. 5 Hydroelectric Project	All Dams	All Dams	N/A	PJM	Northeast	10/1988	9.2	6 (s)/ 10 (w)	S	
All Dams	ER13-2318	Allegheny Lock & Dam No. 6 Hydroelectric Project	All Dams	All Dams	N/A	PJM	Northeast	11/1988	9.2	8 (s)/ 12 (w)	S	
Kendall Green Energy LLC ("Kendall")	ER01-1273	Kendall Square Generating Plant	Kendall	Kendall	N/A	ISO-NE	Northeast	06/1949 01/1951 08/1958 09/1970 12/2002	273.6	232.1 (s)/ 264.9 (w)	S	
Lake Lynn Generation, LLC ("Lake Lynn")	ER13-2317	Lake Lynn Hydroelectric Station	Lake Lynn	Lake Lynn	N/A	PJM	Northeast	05/1926 06/1926 09/1926 07/1929	51.2	52	S	
Little Falls Hydroelectric Associates ("Little Falls")	N/A (QF)	Little Falls Project	Little Falls	Little Falls	N/A	NYISO	Northeast	1/1987	13	13	S	
Lyonsdale Associates, LLC ("Lyonsdale")	N/A (QF)	Lyonsdale Project	Lyonsdale	Lyonsdale	N/A	NYISO	Northeast	7/1984	3	3	S	
Mahoning Creek Hydroelectric Company, LLC	N/A (QF)	Mahoning Creek Hydroelectric Project	Mahoning Creek	Mahoning Creek	N/A	PJM	Northeast	12/2013	6	6.7	S	
MAS ASB Cogen, LLC ("MAS ASB")	N/A (QF)	Atlanta Syrup Branch	MAS ASB	MAS ASB	N/A	Southern Company	Southeast	2012	6.5	6.5	N	
MAS Georgia LFG, LLC ("MAS Georgia")	N/A (QF)	Pine Ridge LFCTE	MAS Georgia	MAS Georgia	N/A	Southern Company	Southeast	5/2016	6.5	6.5	N	1
MAS Georgia	N/A (QF)	Richland Creek LFCTE	MAS Georgia	MAS Georgia	N/A	Southern Company	Southeast	2016	10.9	10.5	N	2
MAS Georgia	N/A (QF)	Oak Grove LFCTE	MAS Georgia	MAS Georgia	N/A	Southern Company	Southeast	7/2016	6.5	6.5	N	3
NJ Oak Solar, LLC ("NJ Oak Solar")	N/A (QF)	NJ Oak Solar	NJ Oak Solar	NJ Oak Solar	N/A	PJM	Northeast	12/2011	10	10	N	
PE Hydro Generation, LLC ("PE Hydro")	ER13-2319	Dam No. 4	PE Hydro	PE Hydro	N/A	PJM	Northeast	01/1909 01/1919 09/1991	1.9	1.9	S	
PE Hydro	ER13-2319	Dam No. 5	PE Hydro	PE Hydro	N/A	PJM	Northeast	1/1919	1	1	S	
PE Hydro	ER13-2319	Luray	PE Hydro	PE Hydro	N/A	PJM	Northeast	1/1927	3 1.6	2.4 1.1 (s)/ 1.6 (w)	S	
PE Hydro	ER13-2319	Newport	PE Hydro	PE Hydro	N/A	PJM	Northeast	1/1923	1.4	1.3 (s)/ 1.5 (w)	S	
PE Hydro	ER13-2319	Shenandoah	PE Hydro	PE Hydro	N/A	PJM	Northeast	4/1905	0.9	0.9	S	
PE Hydro	ER13-2319	Warren	PE Hydro	PE Hydro	N/A	PJM	Northeast	4/1905	0.8	0.8	S	
PE Hydro	ER13-2319	Millville Project	PE Hydro	PE Hydro	N/A	PJM	Northeast	01/1913 12/1938 12/1939	2.8	2.4 (s)/ 3 (w)	S	

I Squared Capital Advisors and Affiliates
 Asset Appendix: Generation Assets
 (as of July 2016)

Attachment A

[A]	[B]	[C]	[D]	[E]	[F]	[G] [H] Location		[I]	[J]	[K]	[L]	[M]
Filing Entity and its Energy Affiliates	Docket # where MBR authority was granted	Generation Name (Plant or Unit Name)	Owned By	Controlled By	Date Control Transferred	Market / Balancing Authority Area	Geographic Region	In-Service Date	Capacity Rating: Nameplate (MW)	Capacity Rating: Used in Filing (MW)	Capacity Rating: Methodology Used in [K]: (N)ameplate, (S)easonal, 5-yr (U)nit, 5-yr (E)IA, (A)lternative	End Note Number (Enter text in End Notes Sheet)
York Haven Power Company, LLC ("York Haven Power")	N/A (QF)	York Haven Hydroelectric Project	York Haven Power	York Haven Power	2015	PJM	Northeast	12/1905	19.6	19	S	
Northbrook New York, LLC	ER99-3911	Glen Park Hydroelectric Project	Northbrook New York, LLC	Northbrook New York, LLC	N/A	NYISO	Northeast	10/1999	32.6	32.6	S	

I Squared Capital Advisors and Affiliates
 Asset Appendix: Transmission/Natural Gas Assets
 (as of July 2016)

Attachment A

Electric Transmission Assets and/or Natural Gas Intrastate Pipelines and/or Gas Storage Facilities

[A]	[B]	[C]	[D]	[E]	[F]	[G]	[H]	[I]	[J]
Filing Entity and its Energy Affiliates	Cite to order accepting OATT or order approving the transfer of transmission facilities to an RTO or ISO	Asset Name and Use	Owned By	Controlled By	Date Control Transferred	Location		Size	End Note Number (Enter text in End Notes Sheet)
						Market / Balancing Authority Area	Geographic Region	Size (e.g., length and kV for electric, length and diameter for pipelines, and capacity for gas storage)	
Cube Yadkin Transmission LLC ("Cube Yadkin Transmission")	N/A	Transmission lines interconnecting the Yadkin BAA to first-tier markets	Cube Yadkin Transmission	Cube Yadkin Transmission	N/A	YAD	Southeast	21 miles of 13.8 kv and 100 kv transmission lines	4

I Squared Capital Advisors and Affiliates
 Asset Appendix: End Notes
 (as of July 2016)

Attac

End Notes for Entries in the Generation, Long-Term Firm PPA and Transmission/Natural Gas Assets Sheets

[A] End Note Number	[B] Sheet (Generation, PPA or Transmission / Natural Gas)	[C] Explanatory Note
1	Generation	QF self-certification was filed with FERC on April 4, 2016, operations began on May 27.
2	Generation	QF self-certification was filed with FERC on April 4, 2016, operations are expected to commence in mid-August.
3	Generation	QF self-certification was filed with FERC on April 4, 2016, operations began on July 21.
4	Transmission	Currently, Cube Yadkin Transmission does not own or control any transmission facilities in the United States. As part of the Transaction described in the accompanying petition, Cube Yadkin Transmission will acquire from Aloc Power Generating Inc. - Yadkin Division (APGI) 21 miles of 13.8 kv and 100 kv transmission lines that interconnect the Yadkin BAA to its first-tier markets. <u>See</u> Docket No. [EC16-___-000]. Upon consummating the Transaction, Cube Yadkin Transmission will succeed to APGI's OATT and provide a citation to this filing in this chart.

Attachment B

Part I – Pivotal Supplier Analysis

Attachment C

Applicant-> [Cube Yadkin Generation LLC](#)Market -> [CPL](#)Data Year -> [Dec. 2011 to Nov. 2012](#)

Row	Generation Seller and Affiliate Capacity (owned or controlled)		Reference
A	Installed Capacity (from inside the study area)	0	
A1	Remote Capacity (from outside the study area)	0	
B	Long-Term Firm Purchases (from inside the study area)	0	
B1	Long-Term Firm Purchases (from outside the study area)	0	
C	Long-Term Firm Sales (in and outside the study area)	0	
D	Uncommitted Capacity Imports	296	
Non-Affiliate Capacity (owned or controlled)			
E	Installed Capacity (from inside the study area)	14,592	SCEG Triennial, less Row A
E1	Remote Capacity (from outside the study area)	0	
F	Long-Term Firm Purchases (from inside the study area)	810	SCEG Triennial
F1	Long-Term Firm Purchases (from outside the study area)	0	
G	Long-Term Firm Sales (in and outside the study area)	-	SCEG Triennial
H	Uncommitted Capacity Imports	1,225	Approved SIL, minus Row D. See CinCap V, LLC, 151 FERC ¶ 61,109 (2015).
I	Study Area Reserve Requirement	342	SCEG Triennial
J	Amount of Line I Attributable to Seller, if any	0	
K	Total Uncommitted Supply (A+A1+B+B1+D+E+E1+F+F1+H-C-G-I-M)	5,660	
Load			
L	Balancing Authority Area Annual Peak Load	12,188	SCEG Triennial
M	Average Daily Peak Native Load in Peak Month	10,921	SCEG Triennial
N	Amount of Line M Attributable to Seller, if any	0	
O	Wholesale Load (L-M)	1,267	
P	Net Uncommitted Supply (K-O)	4,393	
Q	Seller's Uncommitted Capacity (A+A1+B+B1+D-C-J-N)	296	
Result of Pivotal Supplier Screen (Pass if Line Q < Line P) (Fail if Line Q > Line P)		Pass	
Total Imports (Sum D,H), as filed by Seller ->		1,521	
% of SIL for Seller's imported capacity ->		0.19	
% of SIL for Other's imported capacity ->		0.81	
SIL value ->		1,521	
Do Total Imports exceed the SIL value? ->		No	

Attachment B

Part II – Market Share Analysis

Attachment C

Applicant-> [Cube Yadkin Generation LLC](#)
 Study Area -> [CPL](#)
 Data Year -> [Dec. 2011 to Nov. 2012](#)

Row	As filed by the Applicant/Seller				Reference
	Winter (MW)	Spring (MW)	Summer (MW)	Fall (MW)	
Seller and Affiliate Capacity (owned, controlled or under LT contract)					
A	0	0	0	0	
A1	0	0	0	0	
B	0	0	0	0	
B1	0	0	0	0	
C	0	0	0	0	
D	0	0	0	0	
E	305	305	296	305	
Capacity Deductions					
F	8,162	7,342	9,956	7,855	SCEG Triennial
G	0	0	0	0	
H	8,162	7,342	9,956	7,855	
I	363	357	342	358	SCEG Triennial
J	0	0	0	0	
K	363	357	342	358	
Non-Affiliate Capacity (owned, controlled or under LT contract)					
L	15,655	15,657	14,592	14,691	SCEG Triennial, minus Row A
L1	0	0	0	0	ECP Triennial
M	649	749	810	749	
M1	0	0	0	0	
N	0	0	0	0	
O	355	1,616	0	932	ECP Triennial Approved SIL, minus Row E. See CinCap V, LLC, 151 FERC ¶ 61,109 (2015).
P	4,061	2,322	1,225	1,461	
Supply Calculation					
Q	11,485	9,413	6,329	7,756	
R	305	305	296	305	
S	11,790	9,718	6,625	8,061	
T	2.6%	3.1%	4.5%	3.8%	
	Pass	Pass	Pass	Pass	
U	4,366	2,627	1,521	1,766	
V	4,366	2,627	1,521	1,766	
Do Total Imports exceed SIL value? (is U<=V)					
	No	No	No	No	

Attachment B

Part I – Pivotal Supplier Analysis

Attachment C

Applicant-> [Cube Yadkin Generation LLC](#)Market -> [Duke](#)Data Year -> [Dec. 2011 to Nov. 2012](#)

Row	Generation		Reference
	Seller and Affiliate Capacity (owned or controlled)		
A	Installed Capacity (from inside the study area)	0	
A1	Remote Capacity (from outside the study area)	0	
B	Long-Term Firm Purchases (from inside the study area)	0	
B1	Long-Term Firm Purchases (from outside the study area)	0	
C	Long-Term Firm Sales (in and outside the study area)	0	
D	Uncommitted Capacity Imports	296	
	Non-Affiliate Capacity (owned or controlled)		
E	Installed Capacity (from inside the study area)	22,544	SCEG Triennial, less Row A
E1	Remote Capacity (from outside the study area)	0	
F	Long-Term Firm Purchases (from inside the study area)	1,510	SCEG Triennial
F1	Long-Term Firm Purchases (from outside the study area)	0	
G	Long-Term Firm Sales (in and outside the study area)	-	SCEG Triennial
H	Uncommitted Capacity Imports	1,312	Approved SIL, minus Row D. See CinCap V, LLC, 151 FERC ¶ 61,109 (2015).
I	Study Area Reserve Requirement	493	SCEG Triennial
J	Amount of Line I Attributable to Seller, if any	0	
K	Total Uncommitted Supply (A+A1+B+B1+D+E+E1+F+F1+H-C-G-I-M)	7,896	
	Load		
L	Balancing Authority Area Annual Peak Load	19,473	SCEG Triennial
M	Average Daily Peak Native Load in Peak Month	17,273	SCEG Triennial
N	Amount of Line M Attributable to Seller, if any	0	
O	Wholesale Load (L-M)	2,200	
P	Net Uncommitted Supply (K-O)	5,696	
Q	Seller's Uncommitted Capacity (A+A1+B+B1+D-C-J-N)	296	
	Result of Pivotal Supplier Screen (Pass if Line Q < Line P) (Fail if Line Q > Line P)	Pass	
	Total Imports (Sum D,H), as filed by Seller ->	1,608	
	% of SIL for Seller's imported capacity ->	0.18	
	% of SIL for Other's imported capacity ->	0.82	
	SIL value ->	1,608	
	Do Total Imports exceed the SIL value? ->	No	

Attachment B

Part II – Market Share Analysis

Attachment C

Applicant-> [Cube Yadkin Generation LLC](#)
 Study Area -> [DUKE](#)
 Data Year -> [Dec. 2011 to Nov. 2012](#)

Row	As filed by the Applicant/Seller				Reference
	Winter (MW)	Spring (MW)	Summer (MW)	Fall (MW)	
Seller and Affiliate Capacity (owned, controlled or under LT contract)					
A	0	0	0	0	
A1	0	0	0	0	
B	0	0	0	0	
B1	0	0	0	0	
C	0	0	0	0	
D	0	0	0	0	
E	305	305	296	305	
Capacity Deductions					
F	12,862	12,064	16,044	12,293	SCEG Triennial
G	0	0	0	0	
H	12,862	12,064	16,044	12,293	
I	501	515	493	501	SCEG Triennial
J	0	0	0	0	
K	501	515	493	501	
Non-Affiliate Capacity (owned, controlled or under LT contract)					
L	23,672	23,395	22,544	23,021	SCEG Triennial, minus Row A
L1	0	0	0	0	
M	1,406	948	1,510	1,130	SCEG Triennial
M1	0	0	0	0	
N	0	0	0	0	
O	993	1,662	58	2,409	SCEG Triennial Approved SIL, minus Row E. See CinCap V, LLC, 151 FERC ¶ 61,109 (2015).
P	1,729	1,443	1,312	894	
Supply Calculation					
Q	12,451	11,545	8,771	9,842	
R	305	305	296	305	
S	12,756	11,850	9,067	10,147	
T	2.4%	2.6%	3.3%	3.0%	
	Pass	Pass	Pass	Pass	
U	2,034	1,748	1,608	1,199	
V	2,034	1,748	1,608	1,199	
Do Total Imports exceed SIL value? (is U<=V)					
	No	No	No	No	

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