

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

Deerfield Wind Energy, LLC

Docket No. EG16-___-000

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

Pursuant to the Public Utility Holding Company Act of 2005 ("PUHCA 2005"), enacted as part of the Energy Policy Act of 2005,¹ and Section 366.7 of the Commission's Rules and Regulations,² Deerfield Wind Energy, LLC ("Deerfield" or "Applicant") hereby submits this Notice of Self-Certification of Exempt Wholesale Generator ("EWG") Status based on its development, ownership and operation of an approximately 149 MW wind generation facility ("Facility") located in Huron County, Michigan.

I. CORRESPONDENCE AND COMMUNICATIONS

The address and principal place of business of Applicant is:

Deerfield Wind Energy, LLC
c/o Algonquin Power Co.
354 Davis Road, Suite 100
Oakville, Ontario L6J 2X1

The following persons are authorized to receive service and communications regarding this notice of self-certification of EWG status:

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¹ Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594, §§ 1261-77 (2005).

² 18 C.F.R. § 366.7 (2014).

II. DESCRIPTION OF APPLICANT AND FACILITY

Applicant is a Delaware limited liability company whose sole and managing member is Deerfield Holdco, LLC, which is wholly owned by Deerfield Wind SponsorCo, LLC. Deerfield Wind SponsorCo, LLC has two members with an equal fifty percent interest: Deerfield Holdings 1, LLC and Algonquin Power (Deerfield Holdings) Inc.

Applicant intends to install a 149 MW wind-powered electric generating facility (the "Facility") located in Huron County, Michigan. Pursuant to the Generator Interconnection Agreement ("GIA") filed with the Commission on June 18, 2015, the Facility will interconnect with Midcontinent Independent System Operator, Inc. ("MISO").³

The Applicant entered into a power purchase agreement with Wolverine Power Supply Cooperative, Inc. ("Wolverine"), a nonprofit cooperative corporation organized under the laws of the State of Michigan. Pursuant to the power purchase agreement, Wolverine will purchase 100% of all energy, renewable energy credits ("RECs"), and installed capacity produced by or available from the Facility. Power from the Facility will be transmitted to the Point of Interconnection over an eight-mile, 120 kV generator lead line.

III. SELF-CERTIFICATION OF EWG STATUS

The Commission's regulations require that an EWG be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating one or more eligible facilities and selling electric energy at wholesale.⁴ A sale of electric energy to a purchaser that resells the power, whether that resale is at wholesale or retail, is a "sale of electric

³ *Midcontinent Independent System Operator, Inc.*, Letter Order Accepting GIA, Docket No. ER15-1948-000 (Aug. 13, 2015).

⁴ See 18 C.F.R. §§ 366.7 and 366.1. Section 366.1 incorporates Sections 32(a)(2) through (4), and Sections 32(b) through (d) of the Public Utility Holding Company Act of 1935, 15 U.S.C. §§ 79z-5a(a)(2)-(4), 79z-5b(b)-(d) ("PUHCA 1935"), for the purposes of establishing or determining whether an entity qualifies for EWG status.

energy at wholesale" as defined in Section 201(d) of the Federal Power Act, 16 U.S.C. § 824(d) (2015).

Sales of electric energy generated at the Facility will be consistent with the instant self-certification of EWG status. In accordance with Section 366.1 of the Commission's regulations, Applicant makes the following representations in order to certify that it satisfies the requirements for EWG status:

1. Deerfield will be engaged directly and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more "eligible facilities" and selling electric energy at wholesale. The Facility will be an "eligible facility," as defined in Section 32(a)(2) of the PUHCA 1935, 18 C.F.R. § 366.1, because it will be used for the generation of electric energy exclusively for sale at wholesale.⁵ Consistent with the Commission's EWG precedent, Deerfield may also engage in certain activities the Commission has previously determined to be incidental to wholesale sales of electric energy, including, but not limited to, the sale of renewable energy credits (RECs).⁶ These incidental activities do not violate the EWG exclusivity requirement.

2. The Facility is not located in a foreign country and Deerfield will make no foreign sales of power at retail. All of the electric energy generated by the Facility will be sold directly within the United States exclusively at wholesale; no retail sales of electricity will be made from the Facility.

3. The Facility includes no transmission or distribution facilities other than those interconnection facilities necessary to make wholesale sales of energy. The transmission line is

⁵ Prior to making any sale of power at wholesale, the Applicant will apply for and obtain market-based rate authority, pursuant to 18 C.F.R. §§ 35.3(a) and 35.36 *et seq.*

⁶ *See, e.g., Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000) (finding the sale of "green" power certificates to be incidental to the sale of electric energy at wholesale).

sized to carry the power generated by the Facility to the Point of Interconnection.⁷ The Facility will include only those interconnecting transmission facilities that are necessary to interconnect the Facility with the transmission system and to effect a sale of electric energy at wholesale.

4. 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 laws of any State on October 24, 1992. As such, no State consent is required.

5. No portion of the Facility is owned or operated by an electric utility company that is an "affiliate" or "associate company" of Deerfield, within the meaning of Section 366.1 of the Commission's regulations.

6. There are no leasing arrangements involving the Facility and any public utility company or any associate company of any public utility company.

IV. NOTICE

A copy of this Notice of Self-Certification of EWG Status has been served on the Michigan Public Service Commission.

V. CONCLUSION

Based upon the foregoing, Deerfield respectfully requests that the Commission accept its Notice of Self-Certification of EWG Status.

Respectfully submitted,

/s/ Linda L. Walsh

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⁷ See, e.g., *Sagebrush, Euros ToyoWest Management LLC*, 103 FERC ¶ 61,332 (2003); *Termoelectrica U.S., LLC, et al.*, 102 FERC ¶ 61,019 (2003).

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status on the Michigan Public Service Commission on this 22nd day of September 2016.

/s/ Jesse Jacobe

Jesse Jacobe

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