

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

Brooklyn Navy Yard Cogeneration Partners, L.P.  
Astoria Energy II, LLC  
Selkirk Cogen Partners, L.P.  
Innovative Energy Systems, LLC  
Seneca Energy II, LLC  
(collectively, the EIF Companies)

In Reply Refer To:  
ER10-3193-002  
ER10-3319-010  
ER10-2964-003  
ER11-2041-003  
ER11-2042-003

June 21, 2013

Mr. Mark C. Williams  
Attorney for the EIF Companies  
Bingham McCutchen LLP  
2020 K Street, N.W.  
Washington, D.C. 20006

Reference: Notice of Change in Status and Tariff Revisions

Dear Mr. Williams:

On April 2, 2013, as amended on April 17, 2013, you filed on behalf of the EIF Companies a notice of change in status stating that funds managed by EIF Management, LLC, the parent company of the EIF Companies, acquired Brooklyn Navy Yard Cogeneration Partners, L.P. (Brooklyn Navy Yard), which owns a 315 megawatt (MW) generating facility in New York City, the output of which is fully committed under a long-term sales contract.<sup>1</sup> You state that this acquisition does not affect the conditions the Commission relied upon when granting the EIF Companies market-based rate authority.

You also submitted a revised market-based rate tariff to reflect that Brooklyn Navy Yard is now a Category 2 seller in the Northeast region.<sup>2</sup> You state that Brooklyn

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<sup>1</sup> The related disposition of jurisdictional facilities was authorized by the Commission in *Brooklyn Navy Yard Cogeneration Partners, L.P.*, 142 FERC ¶ 62,159 (2013).

<sup>2</sup> *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at PP 848-50, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A,

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Navy Yard is a generation owner in the Northeast region, and it is now affiliated with more than 500 MW of generation capacity in the Northeast region. You state that Brooklyn Navy Yard remains a Category 1 seller in all other regions.

Your filings were noticed on April 2, 2013 and April 18, 2013, with comments, protests or interventions due on or before April 23, 2013 and May 1, 2013, respectively. None was filed.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307, and based on your representations, the notice of change in status is accepted for filing, effective April 3, 2013, as requested. Based on your representations, Brooklyn Navy Yard meets the criteria for a Category 2 seller in the Northeast region and is so designated.<sup>3</sup>

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

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FERC Stats. & Regs. ¶ 31,268 at PP 384, 391, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010), *aff'd sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 26 (2012).

<sup>3</sup> Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 848-850. Brooklyn Navy Yard must file an updated market power analysis for all regions in which they are designated as Category 2 sellers in compliance with the regional reporting schedule adopted in Order No. 697.

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Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission  
Attn: Michelle Barnaby  
Phone: (202) 502-8407  
Office of Energy Market Regulation  
888 First Street, N.E.  
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director  
Division of Electric Power  
Regulation - West

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