

November 8, 2016

VIA E-FILING

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: *Fluvanna Wind Energy, LLC*, Docket No. EG17- -000
Notice of Self-Certification of Exempt Wholesale Generator Status**

Dear Secretary Bose:

Pursuant to Section 1266 of the Public Utility Holding Company Act of 2005 (“PUHCA”),¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission,² Fluvanna Wind Energy, LLC hereby submits this notice of self-certification as an exempt wholesale generator.

Thank you for your consideration of this matter.

Respectfully submitted,



William R. Hollaway, Ph.D.
Janine Durand
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

Counsel for Fluvanna Wind Energy LLC

¹ Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 5, 2005).

² 18 C.F.R. § 366.7 (2016).

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

Fluvanna Wind Energy, LLC

)

Docket No. EG17-__-000

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

Pursuant to Section 1266 of the Public Utility Holding Company Act of 2005 (“PUHCA 2005”),¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the “Commission”),² Fluvanna Wind Energy, LLC (“Fluvanna Wind”) hereby submits this notice of self-certification (“Notice”) as an exempt wholesale generator (“EWG”) within the meaning of Section 366.1 of the Commission’s regulations.³ In support of this Notice, Fluvanna Wind hereby states as follows:

I. NAME AND ADDRESS

The full name and address and principal place of business of Fluvanna Wind are as follows:

Fluvanna Wind Energy, LLC
Attn: Benjamin Huang
400 Montgomery St, Suite 1105
San Francisco, CA 94104

II. NOTICES AND COMMUNICATIONS

All correspondence and communications concerning the above-captioned proceeding should be addressed to the following persons:

¹ Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 5, 2005).

² 18 C.F.R. § 366.7 (2016).

³ 18 C.F.R. § 366.1 (2016).

Fluvanna Wind Energy, LLC
Attn: Benjamin Huang
400 Montgomery St, Suite 1105
San Francisco, CA 94104
(415) 398-3917
E-mail: bhuang@terna-energy.com

William R. Hollaway, Ph.D.
Janine Durand
Gibson, Dunn & Crutcher, LLP
1050 Connecticut Ave., NW
Washington, DC 20036
(202) 955-8500
whollaway@gibsondunn.com
jdurand@gibsondunn.com

III. DESCRIPTION OF FLUVANNA WIND, LLC

Fluvanna Wind is constructing a 155.4 MW wind energy project (the “Facility”) located in Scurry County, Texas. Fluvanna Wind has entered into an ERCOT Standard Generation Interconnection Agreement (“GIA”) with Oncor Electric Delivery Company LLC (“Oncor”) for the interconnection of the Facility to the transmission system owned by Oncor and under the operational control of the Electric Reliability Council of Texas (“ERCOT”). The Facility is under construction and expects to begin trial operation in mid-2017, with commercial operation in October 2017.

The Facility will include wind turbine generators and associated equipment necessary for the generation of electricity as well as the limited interconnection facilities necessary to interconnect the Facility to the ERCOT grid and sell the electricity at wholesale into the ERCOT market. The interconnection facilities include a generator lead line, substation and related equipment. The Facility will not sell electricity outside of ERCOT.

Fluvanna Wind is a limited liability company organized under the laws of Delaware. As of the date hereof, Fluvanna Wind is a wholly-owned indirect subsidiary by Terna Energy USA Holding Corporation (“Terna Energy”), which is based in San Francisco, California. Terna Energy is a wholly-owned indirect subsidiary of Terna Energy, SA, a European renewable electricity generation company, based in Athens, Greece.

IV. SELF CERTIFICATION OF EWG STATUS

Fluvanna Wind makes the following representations in order to demonstrate that it satisfies the requirements for EWG status under Section 366.1 of the Commission's regulations.⁴

1. Fluvanna Wind will be engaged directly and exclusively in the business of owning or operating, or both owner and operating, the Facility and selling electric energy exclusively at wholesale, except to the extent that it may engage in certain activities which the Commission has previously determined are incidental to the wholesale sale of electric energy.

2. The Facility is 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 1262(6) of PUHCA 2005,⁵ and Section 366.1 of the Commission's regulations.⁶ The Facility does not include any transmission or distribution facilities other than those interconnecting transmission facilities necessary to interconnect the Facility to the ERCOT transmission grid and to permit the sale of the output of the Facility at wholesale.

3. Fluvanna Wind is not currently engaged, and has no present plans to engage, in foreign or domestic sales of electricity at retail.

4. All of the electric energy generated by the Facility will be sold exclusively at wholesale within the United States in ERCOT through bilateral power purchase agreements or in the ERCOT wholesale markets.

5. No portion of the Facility is, or will be, owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Fluvanna Wind.⁷

⁴ 18 C.F.R. § 366.1 (2016).

⁵ 42 U.S.C. § 16451(6) (2006).

⁶ 18 C.F.R. § 366.1 (2016).

⁷ *See id.*

6. Except for lease arrangements under which Fluvanna Wind receives no, or only nominal, payments, there are no existing lease arrangements involving the Facility under which Fluvanna Wind is the lessor.

7. No rate or charge for, and in connection with, the Facility, or for electric energy produced thereby, was in effect under the laws of any State as of October 24, 1992. As such, no determination or certification by any state commission is necessary prior to certification of Fluvanna Wind as an EWG.

8. Fluvanna Wind also may engage in the following incidental activities that the Commission has found to be permissible for EWGs: (1) the sale of “green” power certificates or credits associated with power produced by the Facility;⁸ (2) wholesale marketing and brokering of power produced by the Facility and by other facilities;⁹ (3) selling ancillary services from the Facility;¹⁰ (4) reselling or reassigning excess transmission capacity consistent with the Commission’s requirement that such reassignment of excess transmission capacity be limited to transmission capacity that Fluvanna Wind originally obtained for the purpose of affecting a specific wholesale sale of electric energy;¹¹ (5) purchasing and selling transmission congestion contracts, financial transmission rights or similar instruments that Fluvanna Wind needs for the Facility’s wholesale power sales operation;¹² (6) engaging in certain project development and financing activities necessary for the construction and operation of the Facility;¹³ (7) enter into

⁸ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

⁹ See *Southern Energy Mktg., Inc.*, 71 FERC ¶ 61,376 at 62,469 (1995).

¹⁰ See *Sithe Framingham LLC*, 83 FERC ¶ 61,106 at 61,504 n. 8 (1998).

¹¹ See *CNG Power Servs. Corp.*, 71 FERC ¶ 61,026 at 61,104 (1995).

¹² See *Duquesne Power, L.P.*, 106 FERC ¶ 61,104 at P 7 (2004).

¹³ See *AEP Res. Project Mgmt. Co.*, 74 FERC ¶ 61,202 at 61,674-75 & n.4 (1996).

agreements relating to shared facilities used for the operation of the Facility;¹⁴ and (8) engaging in other incidental activities that are consistent with the Commission's EWG precedent.

V. SERVICE

In accordance with Section 366.7(a) of the Commission's regulations,¹⁵ a copy of this notice of self-certification is being served concurrently on the Public Utility Commission of Texas, which is the state regulatory authority of the state in which the Facility is located:

Public Utility Commission of Texas
Energy Division
1701 N Congress Ave.
P.O. Box 13326
Austin, TX 8711-3326

VI. CONCLUSION

For the foregoing reasons, Fluvanna Wind respectfully requests that the Commission accept its notice of self-certification of EWG status.

Respectfully submitted,



William R. Hollaway, Ph.D.
Janine Durand
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

Counsel for Fluvanna Wind Energy, LLC

Dated: November 8, 2016

¹⁴ See *Buffalo Wind Gap Farm 2, LLC*, 118 FERC ¶ 61,069 at PP 2, 14 n.3 (2007).

¹⁵ 18 C.F.R. § 366.7(a) (2016).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document on the Public Utility Commission of Texas at the following address:

Public Utility Commission of Texas
Energy Division
1701 N Congress Ave.
P.O. Box 13326
Austin, TX 8711-3326

Dated at Washington, D.C., this 8th day of November, 2016.

/s/

Janine Durand