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September 7, 2016

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

VIA ELECTRONIC FILING

Re: Indeck Niles, LLC
Docket No. EG16-__-000

Dear Secretary Bose:

Pursuant to Section 366.7 of the Federal Energy Regulatory Commission's (the "Commission") regulations, 18 C.F.R. § 366.7, please find enclosed a notice of self-certification of exempt wholesale generator ("EWG") status submitted for filing by Indeck Niles, LLC. This filing has been mailed on this date to the Michigan Public Service Commission.

Please contact the undersigned if you have any questions regarding this notice.

Respectfully submitted,

/s/ Elizabeth W. Whittle

Counsel for Indeck Niles, LLC

cc: Michigan Public Service Commission

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

Indeck Niles, LLC

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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”)¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. § 366.7, Indeck Niles, LLC (“Applicant”) hereby submits this Notice of Self-Certification as an Exempt Wholesale Generator (“EWG”), as defined in Section 366.1 of the Commission’s regulations, 18 C.F.R. §366.1.

I. COMMUNICATIONS

Communications with regard to this Notice should be addressed to:

Wendy Taube
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II. DESCRIPTION OF APPLICANT

Applicant will operate a 1,000 MW natural gas-fueled cogeneration facility under development in Niles, Michigan (the “Facility”). The Facility will interconnect with American

¹ Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 8, 2005).

Electric Power Company and will sell power into the PJM Interconnection, L.L.C. (“PJM”) market. The Facility is expected to begin generating test energy in 2020.

Applicant is a Delaware limited liability company with its principal place of business in Buffalo Grove, Illinois. Applicant is a subsidiary of Indeck Energy Services, Inc., a developer and owner of generation in the United States.

III. REPRESENTATIONS

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.² Consistent with the Commission’s regulations, Applicant makes the following representations to certify that it satisfies the requirements for EWG status:

A. Applicant is a Delaware limited liability company that will operate a 1,000 MW natural gas-fueled electricity generating facility under development in Niles, Michigan.

B. Applicant will be engaged directly, or indirectly through one of its affiliates, and exclusively in the business of owning or operating, or both owning and operating, all or part of

² See 18 C.F.R. §§ 366.7 and 366.1 (2014). 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 determining whether an entity qualifies for EWG status.

one or more “eligible facilities” and selling electrical power at wholesale. Applicant may engage in activities incidental to the sale of electric energy, consistent with Commission precedent.³

C. The Facility constitutes an “eligible facility” as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 (“PUHCA 1935”), which is incorporated by reference in Section 366.1 of the Commission’s regulations, 18 C.F.R. § 366.1. Applicant’s sales of electric generation produced by the Facility will be exclusively at wholesale. The Facility will include no transmission or distribution facilities other than those limited interconnection facilities necessary to effect wholesale sales of electric energy, consistent with Commission precedent construing the definition of “eligible facility” under Section 32(a)(2) of PUHCA 1935.

D. Applicant will not make retail or foreign sales of power.

E. There are, and will be, no lease arrangements involving the Facility under which Applicant is the lessor. No portion of the Facility is, or will be, owned or operated by an electric utility company that is an affiliate or an associate company of Applicant, as those terms are defined in Part 366 of the Commission’s regulations.

F. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced thereby, was in effect under the laws of any state as of October 24, 1992. Therefore, no determination or certification by any state commission pursuant to Section 32(c) of the PUHCA of 1935 is required prior to certification of Applicant as an EWG.

³ The Commission’s precedent provides that an EWG may engage in certain activities incidental to the generation of electricity, including sales of steam. *Richmond Power Enterprises*, 62 FERC ¶ 61,157 (1993); *Selkirk Cogen Partners, LP*, 69 FERC ¶ 61,037 (1994).

G. Applicant has on this day mailed a copy of this Notice of Self-Certification to the Michigan Public Service Commission, the state regulatory authority of the state in which the Facility is located.

IV. CONCLUSION

Based upon the facts, representations and statements set forth herein, Applicant respectfully requests that the Commission accept this notice of self-certification of EWG status.

DATED: September 7, 2016.

Respectfully submitted,

/s/ Elizabeth W. Whittle
Counsel for Indeck Niles, LLC

CERTIFICATE OF SERVICE

I hereby certify that foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Indeck Niles, LLC was served on the 7th day of September, 2016, upon the following:

Michigan Public Service Commission
PO Box 30221
Lansing, MI 48909

/s/ Elizabeth W. Whittle
Counsel for Indeck Niles, LLC

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