

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

**McHenry Battery Storage, LLC**

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**Docket No. EG16-\_\_\_\_-000**

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

Pursuant to Section 366.7 of the Federal Energy Regulatory Commission's ("Commission") regulations<sup>1</sup> implementing the Public Utility Holding Company Act of 2005, enacted by the Energy Policy Act of 2005,<sup>2</sup> McHenry Battery Storage, LLC ("McHenry") hereby submits this notice of self-certification that it is an exempt wholesale generator ("EWG") based on its ownership and operation of a 20 MW (nameplate) battery storage facility, located in McHenry, Illinois (the "Facility"), with the sale of its output at wholesale.

**I. COMMUNICATIONS**

McHenry requests that all correspondence, pleadings and other communications concerning this filing be served upon the following:

Joshua Pearson\*  
Associate General Counsel  
EDF Renewable Energy, Inc.  
15445 Innovation Drive  
San Diego, CA 92128  
(858) 521-3467  
joshua.pearson@edf-re.com

Andrea Wolfman\*  
Alston & Bird LLP  
950 F Street, N.W.  
Washington, DC 20004  
(202) 756-3300  
andrea.wolfman@alston.com

\*Individual designated for service.

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<sup>1</sup> 18 C.F.R. § 366.7 (2015).

<sup>2</sup> Pub. L. No. 109-58, 119 Stat. 594 (2005).

## II. DESCRIPTION OF APPLICANT

McHenry is a limited liability company organized under the laws of the State of Delaware with its principal place of business in McHenry, Illinois. It is indirectly wholly-owned by EDF Renewable Energy, Inc. (“EDF-RE”). McHenry owns and operates a 20 MW (nameplate) battery storage facility that is connected to the distribution system of Commonwealth Edison Company (“ComEd”). The battery is charged from the ComEd distribution system and McHenry has entered into a Wholesale Market Participant Agreement with PJM Interconnection L.L.C. (“PJM”) in order to engage in wholesale transactions within the PJM market.<sup>3</sup> All the electric energy and capacity from the Facility will be sold into the PJM market.

EDF-RE develops, builds, operates and manages renewable energy projects throughout North America. EDF-RE is wholly owned by EDF Energies Nouvelles S.A., a French société anonyme, a company organized under the laws of France, which in turn is wholly owned by Électricité de France, S.A. (“EDF SA”), which is owned by the French government (84.49%), with a small percentage of shares held by the employees (approx. 1.72%) and the remaining shares owned by the public.

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<sup>3</sup> *PJM Interconnection, L.L.C.*, Docket No. ER14-2736-000, filed August 28, 2014, accepted by unpublished letter order issued Oct. 10, 2014.

### III. SELF-CERTIFICATION OF EWG STATUS

Consistent with the Commission's regulations, McHenry makes the following representations in order to demonstrate that it meets the Commission's definition of an EWG under Section 366.1 of the Commission's regulations<sup>4</sup> for its energy sales from the Facility.

1. McHenry 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, and the Facility will satisfy the definition of an "eligible facility" because it will be used for the generation of electric energy exclusively for sale at wholesale.
2. McHenry will not own any transmission facilities other than those interconnection facilities that are necessary to effect the wholesale sale of electric energy from the Facility, consistent with Commission precedent construing the definition of "eligible facility" under Section 32(a)(2) of the Public Utility Holding Company Act of 1935 ("PUHCA 1935").
3. 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 on October 24, 1992. Accordingly, no State determination is required with respect to this filing.
4. There are no lease arrangements through which McHenry will lease the Facility to a public utility company or any other party.
5. McHenry does not sell electricity at retail to any customer. Accordingly, the Facility does not rely on the exception provided by Section 32(b) of PUHCA 1935 regarding foreign sales of power at retail.
6. No portion of the Facility will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of McHenry.

In accordance with Section 366.7(a) of the Commission's regulations, a copy of this Notice is concurrently being served upon the Illinois Commerce Commission.

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<sup>4</sup> 18 C.F.R. § 366.1 (2015).

#### **IV. CONCLUSION**

For the foregoing reasons, McHenry respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Respectfully submitted,

/s/ **Andrea Wolfman**

Andrea Wolfman  
Alston & Bird LLP  
950 F Street, N.W.  
Washington, DC 20004  
(202) 239-3300

*Counsel for McHenry Battery Storage, LLC*

Dated: July 8, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day caused the foregoing document to be served upon the Illinois Commerce Commission, in accordance with Rule 2010 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010) and Section 366.7(a) of its regulations.

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

*/s/ Andrea Wolfman*

Andrea Wolfman  
Alston & Bird LLP  
950 F Street, N.W.  
Washington, DC 20004

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