

(*) Persons denoted with an asterisk are designated for service and should be included on the official service list in this proceeding.

II. DESCRIPTION OF APPLICANT AND ELIGIBLE FACILITIES

Applicant is a Delaware limited liability company with its principal place of business in St. Augustine, Florida. Applicant's sole business is the generation of electricity at a 475 MW electricity generation facility located in Cleveland County, North Carolina ("Kings Mountain Energy Center"), consisting of one (1) Mitsubishi Hitachi M501GAC combustion turbine, one (1) heat-recovery steam generator ("HRSG"), and one (1) Mitsubishi Hitachi (or equivalent) steam turbine, which it owns, controls, and operates. The Kings Mountain Energy Center is currently under development and is expected to generate test power in the second or third quarter of 2017 and begin commercial operation in January 2018. The Kings Mountain Energy Center will be interconnected with the transmission system owned and operated by Duke Energy Carolinas, LLC. ("Duke Energy"). The "eligible facilities" are comprised of the Kings Mountain Energy Center and related real property ("Eligible Facilities"), as well as other equipment necessary to interconnect the generation facility to the transmission system operated by Duke Energy to make wholesale sales of electricity.

Applicant is a wholly owned subsidiary of NTE Carolinas Holdings, LLC, which is a privately held corporation.

III. REPRESENTATIONS

Pursuant to Sections 366.1 and 366.7 of the Commission's regulations,³ NTE Carolinas, LLC represents that it satisfies the requirements for EWG status, as follows:

1. NTE Carolinas, LLC is a Delaware limited liability company that will control and operate the Facility.

³ 18 C.F.R. §§ 366.1, 366.7.

2. NTE Carolinas, LLC engages exclusively in the business of controlling and operating the Facility and selling electric energy and capacity at wholesale.
3. NTE Carolinas, LLC will not make foreign or domestic retail sales of electric energy from the Facility.
4. 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 2005,⁴ and Section 366.1 of the Commission's regulations.
5. The electricity produced by the Facility will be sold exclusively at wholesale.
6. The Facility consists of a 475 MW natural gas turbine electricity generation facility, and will use a substation, switchyard, and other equipment necessary to interconnect the Facility to the transmission grid.
7. The interconnection facilities that are associated with the Facility serve only to connect the project to the Duke Energy controlled grid. Those facilities, therefore, qualify as "interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale" and are included as part of the Kings Mountain Energy Center eligible facility.⁵
8. No portion of the Facility is owned or operated by an electric utility company that is an affiliate or an associate company of NTE Carolinas, LLC, as those terms are defined in Section 366.1 of the Commission's regulations.
9. No rate or charge for, or in connection with, the construction of the Facility, or for the electric energy produced by the Facility, was in effect under the laws of any state on October 24, 1992. As such, no determination or certification by any state commission is necessary prior to certification of NTE Carolinas, LLC as an EWG.
10. Concurrently with the filing of this Notice with the Commission, Kings Mountain Energy Center is filing a copy of this Notice with the North Carolina Utilities Commission, which is the state regulatory authority of the state in which the Facility will be located.

IV. INCIDENTAL ACTIVITIES

In connection with owning and operating the Eligible Facilities, NTE Carolinas, LLC may also engage in the following incidental activities that the Commission has found to be permissible EWG activities: (1) sell ancillary services available from the Eligible Facilities

⁴ 42 U.S.C. § 16451(6) (2006).

⁵ 15 U.S.C. § 79z-5a(a)(2) (repealed).

which are incidental to, and by-products of, the Eligible Facilities' operations as wholesale power generators;⁶ (2) reassign excess transmission capacity consistent with the Commission's requirement that such reassignment of excess transmission capacity be limited to transmission capacity NTE Carolinas, LLC originally obtained for the purpose of affecting a specific wholesale sale of electric energy;⁷ (3) purchase and sell congestion revenue rights that NTE Carolinas, LLC needs for the Eligible Facilities' power sale operations;⁸ (4) trade emission allowances consistent with the Commission's limitation that an EWG may only engage in such trading so long as the emission allowances were originally obtained in the normal course of operating the Eligible Facilities;⁹ (5) sell "green" power certificates or credits associated with power produced by the Eligible Facilities;¹⁰ (6) engage in certain project development and financing activities necessary to achieve financial closing;¹¹ (7) enter into leases of real property comprising part of the Eligible Facilities, as lessee;¹² (8) enter into agreements relating to facilities shared with an affiliate EWG and used in operation of the Eligible Facilities;¹³ and (9) engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

⁶ See *Sithe Framingham LLC*, 83 FERC ¶ 61,106 (1998).

⁷ See *CNG Power Services Corp.*, 71 FERC ¶ 61,026, pp. 61,103-04 (1995).

⁸ See *Duquesne Power LP*, 106 FERC ¶ 61,104 (2004).

⁹ See *UGI Development Co.*, 89 FERC ¶ 61,192 (1999).

¹⁰ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

¹¹ See, e.g., *Hermiston Generating Company, L.P.*, 69 FERC ¶ 62,132, 64,314 (1994); *AEP Resources Project Management Co.*, 74 FERC ¶ 61,202, 61,674-75 & n. 4 (1996).

¹² See *DTE Pontiac North LLC*, 121 FERC ¶ 61,037 at P7 n.6 (2007).

¹³ See *Buffalo Gap Wind Farm 2, LLC*, 118 FERC ¶ 61,069 at PP 2, 14 & n.3 (2007).

V. NOTICE

1. A form of Notice suitable for publication in the Federal Register is attached hereto.
2. Concurrently with the filing of this Notice with the Commission, Applicant is filing a copy of this Notice with the North Carolina Utilities Commission, which is the state regulatory authority of the state in which the Facility is located.
3. Pursuant to Section 366.7(a) of the Commission's regulations, as set forth in Order No. 667-A, this Certification is subscribed consistent with 18 C.F.R. § 385.2005(a).

V. CONCLUSION

Based on the foregoing facts and representations, NTE Carolinas, LLC requests that the Commission accept this notice of self-certification of status as an EWG.

Respectfully submitted,



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Counsel for NTE Carolinas, LLC

Dated March 4, 2015

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

NTE Carolinas, LLC

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Docket No. EG15-_____-000

Notice of Self-Certification of Exempt Wholesale Generator Status

Take notice that on March 4, 2015, NTE Carolinas, LLC (“NTE Carolinas”) filed with the Federal Energy Regulatory Commission a notice of self-certification of exempt wholesale generator status pursuant to Section 367 of the Commission’s regulations. NTE Carolinas controls and operates an approximately 475 MW electricity generation facility and related assets located in Calvert County North Carolina, which is within the South East Reliability Corporation (“SERC”) balancing authority area.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, D.C. There is an “eSubscription” link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on (_____).

Kimberly D. Bose

Secretary

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of NTE Carolinas, LLC, was served this 4th day of March, 2015, via first class mail upon:

North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325



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