



New Creek Wind LLC
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August 3, 2016

Via eTariff

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

RE: Application for Market-Based Rate Authorization, Designation of Category 1 Status, and Request for Waivers and Blanket Approvals for New Creek Wind LLC Docket No. ER16-____-000

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act, enclosed for filing is an Application for Market-Based Rate Authorization, Designation of Category 1 Status in certain regions, and Request for Waivers and Blanket Approvals for New Creek Wind LLC. New Creek Wind LLC submits its FERC Electric MBR Tariff No. 1, and respectfully requests that the Commission accept this filing and waive the Commission's 60-day prior notice rule to permit the tariff sheets to become effective on October 1, 2016.

I. Correspondence and Communications

Correspondence and communications with respect to this filing should be sent to the following persons, who shall also be authorized to receive notice in this docket:

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If you have any questions concerning this filing, please do not hesitate to contact the undersigned.

The Honorable Kimberly D. Bose
August 3, 2016
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Respectfully submitted,

/s/ Stacy Myers

Stacy Myers
Senior Legal Counsel
Green Power, Transmission, and
Emerging Technology
Enbridge Energy Company, Inc.

Attorney for New Creek Wind LLC

Attachments

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

New Creek Wind LLC) Docket No. ER16-____-000

**APPLICATION FOR MARKET-BASED RATE AUTHORIZATION,
DESIGNATION OF CATEGORY 1 STATUS, AND
REQUEST FOR WAIVERS AND BLANKET APPROVALS**

Pursuant to Section 205 of the Federal Power Act (“FPA”), 16 U.S.C. § 824d (2006) and Part 35 of the Commission’s regulations, 18 C.F.R. Part 35 (2016), New Creek Wind LLC (“New Creek Wind” or “Applicant”) hereby respectfully requests that the Commission (1) grant it authorization to make wholesale sales of electric capacity, energy, and ancillary services at market-based rates; (2) accept for filing its market-based rate tariff (“MBR Tariff”); (3) designate it as Category 1 Seller in the Central, Southeast, Southwest Power Pool, and Southwest regions; and (4) grant such waivers and blanket authorizations as the Commission has granted to other market-based rate sellers. Applicant requests that the Commission waive the 60-day prior notice rule and accept its MBR Tariff effective as of October 1, 2016. In support of this Application, New Creek Wind provides the following:

I. COMMUNICATIONS

Correspondence and communications with respect to this filing should be sent to the following persons, who shall also be authorized to receive notice and should be included on the official service list in this docket:

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II. DOCUMENTS SUBMITTED WITH THIS APPLICATION

Applicant submits the following documents with this Application:

- Applicant's proposed MBR Tariff in RTF format with metadata attached and a PDF copy of the same for publication in the eLibrary (Attachment A);
- Applicant's asset and affiliate index in Order No. 816 format (Attachment B);
- Applicant's horizontal market power screens for the PJM Interconnection, L.L.C. ("PJM") market and PJM AP South submarket, in Excel spreadsheet format (Attachment C);
- Source data for the PJM horizontal market screens, as filed in Docket No. ER16-581 (Attachment D);
- Source data for the AP South horizontal market screens, as filed in Docket No. ER16-581 (Attachment E); and
- Applicant's upstream ownership chart (simplified) (Attachment F).

III. DESCRIPTION OF APPLICANT AND RELEVANT AFFILIATES

A. New Creek Wind LLC

New Creek Wind will own and operate a wind generating facility with a nameplate capacity of 102.5 MW located in Grant County, West Virginia ("Project") within the PJM balancing authority area. The Project is currently under construction and is expected to generate test power starting in October 2016 and reach commercial operation by late December 2016. The Project is comprised of forty-nine Gamesa wind turbine generators and related real property, as

well as other equipment necessary to interconnect the Project to Virginia Electric and Power Company's ("Virginia Power") new Bismark 500 kV switching station on the existing Mount Storm (Virginia Power) – Doubs (Allegheny Power) 500 kV transmission line and the transmission system controlled and operated by PJM. Applicant has entered into (i) an Interconnection Construction Service Agreement and Interconnection Service Agreement for the Project with PJM and Virginia Power, and (ii) an Interconnection Construction Service Agreement for the Project with PJM and The Potomac Edison Company.

New Creek Wind is a limited liability company organized under the laws of the State of Delaware, with its principal place of business in Houston, Texas. Applicant is a direct and wholly owned subsidiary of Enbridge Holdings (New Creek) L.L.C., which is a wholly owned subsidiary of Enbridge Investment (New Creek) L.L.C., which is an indirect wholly owned subsidiary of Enbridge (U.S.) Inc., which is an indirect wholly owned subsidiary of Enbridge Inc., a publicly traded Canadian corporation ("Enbridge"). Enbridge is thus the ultimate corporate parent of New Creek Wind. An appendix is included in the format required pursuant to Order No. 816¹ listing all generation and transmission assets, power purchase agreements, and natural gas intrastate pipelines and gas storage facilities owned or controlled by Enbridge and its affiliates, as required by Order No. 816 (Attachment B), and a simplified corporate organization chart is included as Attachment F for the Commission's reference.

¹ *Refinements to Policies and Procedures for Market-Based Rates for Wholesale Sales of Elec. Energy, Capacity and Ancillary Servs. by Public Utils.*, Order No. 816, 153 FERC ¶ 61,065 (2015), *order on reh'g and clarification*, Order No. 816-A, 155 FERC ¶ 61,188 (2016).

B. Applicant's Affiliates

The following is a more detailed description of Applicant's Commission-jurisdictional generation affiliates currently operating with authority to sell energy, capacity and/or ancillary services at market-based rates:²

- **Cedar Point Wind, LLC**. Cedar Point Wind, LLC ("Cedar Point") owns and operates a 252.3 MW wind-powered electric generation facility located in Lincoln, Elbert, and Arapahoe Counties, Colorado. Cedar Point is an array of 139 Vestas V90 1.815 MW turbines interconnected via a 230 kV generator tie-line to the "Missile Site" on the Public Service Company of Colorado ("PSCo") transmission system in the PSCo balancing authority area. The majority of Cedar Point's output is committed to PSCo under a long-term contract. Cedar Point has been granted market-based rate authority.³ Cedar Point is an indirect, wholly owned subsidiary of Enbridge.
- **Silver State Solar Power North, LLC**. Silver State Solar Power North, LLC ("Silver State") owns and operates a 52 MW solar-powered electric generation facility near Primm, Nevada that is interconnected with the Nevada Power transmission system in the NV Energy balancing authority area. Silver State's

² This Application does not describe any companies engaged in energy industry activities in which Enbridge Inc. directly or indirectly own less than 10% of the voting securities in such companies because such companies are not affiliates of the Applicant. Also, pursuant to Order No. 816, the Applicant does not include descriptions of its affiliates that own generation and related interconnection facilities that are qualifying facilities that are exempt from Section 205 of the FPA pursuant to 18 C.F.R. § 292.601(c)(1) (2016) ("Exempt QFs"). *See* Order No. 816, at P 255 (stating that Exempt QFs do not need to be reported for market-based rate purposes, including in asset appendices and indicative screens). Finally, this Application also does not include any generation affiliates of New Creek Wind that are developing, or may own and operate, generation that is or will be located in Texas and that sell or will sell energy solely within the Electric Reliability Council of Texas ("ERCOT") ("ERCOT Companies") or outside of the continental United States because such companies are not subject to the Commission's "public utility" jurisdiction under Sections 201 and 205 of the FPA. Thus, such companies' affiliation with the Applicant is not relevant to the Applicant's market power analysis. *See, e.g., Sharyland Utilities, L.P.*, 121 FERC ¶ 61,006 (2007) (generators located in ERCOT not selling power in interstate commerce are not subject to the Commission's public utility jurisdiction); *Backbone Mountain Windpower, LLC, et al.*, 111 FERC ¶ 61,242, at P 36 (2005) (market power analyses do not need to consider ERCOT generation when the output of such generation is not sold outside of ERCOT).

³ *Cedar Point Wind, LLC*, Docket No. ER11-2753-000, Delegated Letter Order, issued April 14, 2011.

output is fully committed to Nevada Power under a long-term contract. Silver State is interconnected to the Bighorn Substation on the Nevada Power transmission system via a 0.4 mile, 230 kV generator tie-line. Silver State has been granted market-based rate authority.⁴ Silver State is an indirect, wholly owned subsidiary of Enbridge.

- **Wildcat Windfarm I, LLC.** Wildcat Windfarm I, LLC (“Wildcat I”) owns and operates a 202.5 MW wind farm located in the PJM region. Wildcat I has been granted market-based rate authority.⁵ Wildcat I has contracted to sell 115 MW of its output under long-term power purchase agreements with non-affiliates. Wildcat I is an indirect subsidiary of Enbridge (with an 80% membership interest) and E.ON Climate & Renewables North America LLC (“ECRNA”) (with a 20% membership interest).
- **Green Mountain Power Corporation.** Green Mountain Power Corporation (“GMP”) is a small vertically-integrated electric utility in Vermont that is engaged primarily in the distribution and sale of electricity to retail and wholesale electric service customers in the state of Vermont.⁶ GMP owns or controls approximately 217 MW of generation within the area of ISO New England, Inc. (“ISO-NE”) and purchases approximately 481 MW of generation capacity under power purchase agreements in the ISO-NE market. GMP holds interests in Vermont Transco LLC (“VTransco”) and Vermont Electric Power Company, Inc. (“VELCO”), each of which owns or operates high-voltage electric transmission facilities in Vermont. GMP holds an interest in the Highgate and Phase I / Phase II high voltage direct interconnections between Hydro Quebec and various utilities in New England. Transmission service over all these facilities is provided pursuant to Open Access Transmission Tariffs or other agreements on file with the Commission. GMP and its affiliates operate their transmission facilities pursuant to the ISO-NE Open Access Transmission Tariff on file with the Commission and the terms of the 1991 Vermont Transmission Service Agreement, and have turned over operation of their transmission facilities to VELCO. GMP has been granted market-based rate authority.⁷

⁴ *Silver State Solar Power North, LLC*, 139 FERC ¶ 61,088 (2012).

⁵ *Wildcat Wind Farm I, LLC*, Docket No. ER12-1329-000, Delegated Letter Order issued May 16, 2012.

⁶ Enbridge is one of the ultimate parent holding companies of GMP. Enbridge indirectly holds a 38.9 percent interest in Noverco, which in turn, through subsidiaries indirectly owns GMP. Enbridge does not manage or control the day to day operations of GMP.

⁷ *Green Mountain Power Corporation*, Docket No. ER01-989-000, Delegated Letter Order issued Jul. 3, 2001, *as subsequently refiled in* Docket No. ER11-1933-000, Delegated Letter Order issued May 3, 2011.

Enbridge, through its subsidiaries, also owns MATL LLP, which, along with its affiliate Montana Alberta Tie Ltd., owns and operates a 214-mile 230 KV transmission system between the province of Alberta and the state of Montana. MATL has been granted negotiated rate authority⁸ and operates its transmission system pursuant to a Commission-approved Open Access Transmission Tariff.

Enbridge's Gas Pipelines and Processing segment operates onshore natural gas pipelines, natural gas processing facilities and commodity marketing businesses, as well as performs commodity storage, transport, and supply management services. Enbridge indirectly holds a 50 percent interest in Alliance Pipeline and a 60 percent interest in Vector Pipeline. The remaining interests in the Alliance Pipeline and Vector Pipeline are held by entities unaffiliated with Enbridge. The Alliance System transports liquids rich natural gas from the Western Canada Sedimentary Basin to the U.S. Midwest. Connecting with the Alliance System at Chicago, the Vector Pipeline provides natural gas supplies for local distribution and end-user customers in Illinois, Indiana, Michigan and Ontario. Alliance and Vector transport gas in accordance with Commission-approved open access tariffs.

Enbridge indirectly owns a passive, non-controlling 42.7 percent interest in the Aux Sable midstream business, comprised of a natural gas liquids ("NGLs") extraction and fractionation facility and storage and distribution facilities located in Channahon, Illinois, about 50 miles southwest of Chicago near the eastern terminus of the Alliance pipeline.

⁸ *Montana Alberta Tie, Ltd.*, 116 FERC ¶ 61,071 (2006); *MATL LLP*, 139 FERC ¶ 61,208 (2012).

Enbridge, through subsidiaries, has an ownership interest in two gas utility companies: Vermont Gas Systems, Inc. (“VGS”) and St. Lawrence Gas Company, Inc. (“St. Lawrence”).⁹ VGS is a local gas distribution company engaged in the distribution of natural gas in Vermont. St. Lawrence is a local gas distribution company engaged in the distribution of natural gas in northern New York.

Lastly, Applicant is affiliated with Tidal Energy Marketing Inc. (“Tidal”), a Canadian corporation with its principal place of business in Calgary, Alberta, Canada. Tidal markets petroleum products in Canada and the United States. On June 6, 2016, Tidal submitted an Application for Market-Based Rate Authorization in Docket No. ER16-1888-000 indicating its intent to engage in the purchase and sale of physical and/or virtual energy in the Day-ahead and Real-time Markets of various Independent System Operators (“ISOs”) and Regional Transmission Organizations (“RTOs”), as well as in regions that have not implemented organized markets.¹⁰

IV. REQUEST FOR AUTHORITY TO MAKE WHOLESALE SALES OF ELECTRIC CAPACITY, ENERGY AND ANCILLARY SERVICES AT MARKET-BASED RATES

New Creek Wind respectfully requests that the Commission grant it authority to sell wholesale electric energy, capacity and certain ancillary services at market-based rates pursuant to the attached Tariff and terms set forth in Attachment A. The Commission authorizes market-based sales if the seller and its affiliates do not have, or have adequately mitigated, horizontal

⁹ As public local distribution companies, St. Lawrence and VGS are regulated by the New York State Public Service Commission and Vermont Public Service Board, respectively.

¹⁰ Tidal does not own or operate any generating facilities.

and vertical market power and cannot erect other barriers to market entry.¹¹ Pursuant to Order No. 697, New Creek Wind must satisfy a two-part analysis that considers the following: (1) horizontal market power, which includes two indicative power market screens to determine whether the seller and any affiliates have generation market power; and (2) vertical market power, which includes an analysis of the seller's transmission market power and the ability of the seller and its affiliates to erect other barriers to entry.¹² As described below, New Creek Wind satisfies all of the Commission's requirements for authorization to make wholesale sales of electric energy and related services at market-based rates.

A. Applicant Lacks Horizontal Market Power

An applicant seeking market-based rate authority is required to submit a market power analysis addressing whether the applicant has horizontal market power.¹³ There is a rebuttable presumption that a seller lacks horizontal market power if it passes the Commission's two indicative market power screens: a pivotal supplier analysis based on the annual peak demand of the relevant market, and a market share analysis applied on a seasonal basis.¹⁴

When an applicant is located within an ISO or RTO region, the Commission has stated that the ISO or RTO footprint should be the default geographic market for purposes of applying the indicative screens, unless the Commission has identified a relevant submarket within the

¹¹ *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity, and Ancillary Services by Public Utilities*, Order No. 697, 119 FERC ¶ 61,295 (2007), *order clarifying final rule*, 121 FERC ¶ 61,260 (2007), *order on reh'g and clarification*, Order No. 697-A, 123 FERC ¶ 61,055, *order on partial reh'g and clarification*, 124 FERC ¶ 61,055 (2008), Order No. 697-B, 125 FERC ¶ 61,326 (2008).

¹² Order No. 697, at PP 13, 21-22, 399.

¹³ 18 C.F.R. §§ 35.37(a), (b) (2016).

¹⁴ 18 C.F.R. § 35.37(c)(1) (2016).

ISO/RTO and the generation owned or controlled by the applicant (or its affiliate) is physically located in such a submarket.¹⁵

Enbridge's generation holdings in PJM are limited to its interest in Wildcat I and New Creek Wind. Wildcat I has contracted to sell 115 MW of its 202.5 MW output under long-term power purchase agreements, with 87.5 MW remaining as uncommitted output. The physical output of the New Creek Wind generating facility is not committed under a long-term PPA, and therefore New Creek Wind's full capacity of 102.5 MW is considered uncommitted capacity for the market screen analyses. For its market power screen analyses, New Creek Wind relies upon the data included in the indicative market power screens submitted in Docket No. ER16-581 by ENGIE Portfolio Management, LLC in connection with its request for market-based rate authorization for sales of capacity located in PJM.¹⁶ Based on the information provided in Exhibit JRS-4 to the ENGIE Parties Filing, New Creek Wind's Pivotal Supplier Analysis indicates that the Net Uncommitted Supply in PJM is 54,046 MW. Given that the uncommitted capacity of Wildcat I is 87.5 MW and the uncommitted capacity of New Creek Wind is 102.5 MW (for a total of 190 MW), Enbridge easily passes the Pivotal Supplier Test in PJM, *i.e.*, its uncommitted capacity does not exceed the net uncommitted supply in the PJM market. Based on the information provided in Exhibit JRS-5 to the ENGIE Parties Filing, New Creek Wind's Market Share Analysis indicates that the Total Seasonal Uncommitted Capacity ranges from

¹⁵ See Order No. 697, at PP 235–37.

¹⁶ See *ENGIE Portfolio Management, LLC, et al.*, Docket No. ER16-581-001, Delegated Letter Order issued Mar. 25, 2016; *ENGIE Portfolio Management, LLC, et al.*, Docket No. ER16-581-000, Dec. 18, 2015 Filing (“ENGIE Parties Filing”).

78,818 MW to 91,421 MW.¹⁷ On that basis, New Creek Wind's market share is less than 1 percent in all seasons, easily satisfying the Market Share test.

Similarly, in the AP South submarket of PJM,¹⁸ Applicant readily passes both indicative screens. The only generation of Applicant and its affiliates in the AP South submarket is the Project (102.5 MW). Based on the information provided in Exhibit JRS-10 to the ENGIE Parties Filing, New Creek Wind's Pivotal Supplier Analysis indicates that the Net Uncommitted Supply in the AP South submarket is 16,944 MW. Given that the uncommitted capacity of New Creek Wind is 102.5 MW, Enbridge easily passes the Pivotal Supplier Test in the AP South submarket, *i.e.*, its uncommitted capacity does not exceed the net uncommitted supply in the AP South submarket. Based on the information provided in Exhibit JRS-11 to the ENGIE Parties Filing, New Creek Wind's Market Share Analysis for the AP South submarket indicates that the Total Seasonal Uncommitted Capacity ranges from 17,599 MW to 34,566 MW.¹⁹ On that basis, New Creek Wind's market share in the AP South submarket is less than 1 percent in all seasons, easily satisfying the Market Share test.

The Commission has confirmed that an applicant may rely upon recent market power analysis to demonstrate that it passes the Commission's horizontal market power screens.²⁰ Enbridge has reviewed the ENGIE Parties Filing analyses, which used a study period of December 2013 through November 2014, and determined the use of more recent data would not result in Enbridge to fail the market screens, *i.e.*, New Creek Wind would still pass the Pivotal

¹⁷ A copy of Exhibits JRS-4 and JRS-5 is attached hereto as Attachment D.

¹⁸ Applicant and its affiliates do not have generating facilities in the PJM East or 5004/5005 submarkets in PJM.

¹⁹ A copy of Exhibits JRS-10 and JRS-11 is attached hereto as Attachment E.

²⁰ *See, e.g., Kingfisher Wind, LLC*, 151 FERC ¶ 61,276 (2015).

Supplier Test (it and its affiliates' uncommitted capacity would not exceed the Net Uncommitted Supply in the market) and Market Share Test (their market shares would not materially increase) in both the PJM market and the AP South market if more recent generation and load data were used in the screen analyses.

Accordingly, New Creek Wind does not present any horizontal market power concerns.

B. Applicant Lacks Vertical Market Power and Does Not Erect Other Barriers of Entry

Applicant does not own, operate, or control facilities for the transmission of electricity in interstate commerce (other than interconnection facilities necessary to interconnect its generation to the transmission system). Applicant is affiliated with entities that own and operate transmission facilities in the ISO-NE and Montana markets, service over which is provided pursuant to Open Access Transmission Tariffs and agreements on file with the Commission. No other affiliate of the Applicant owns, operates, or controls facilities for the transmission of electricity in interstate commerce other than limited equipment necessary to interconnect reliably its generating facilities to the transmission grid. The Commission has found that interconnection facilities of this kind do not convey market power.²¹ New Creek affirms that it qualifies for the blanket waiver with respect to the Commission's open-access requirements as described in Order

²¹ See, e.g., *Iowa Power Partners I L.L.C.*, 81 FERC ¶ 61,058 (1997); *Vastar Res., Inc., et al.*, 81 FERC ¶ 61,135 (1997).

No. 807²² because the interconnection facilities owned and operated by New Creek and its affiliates are limited and discrete and not part of an integrated transmission network.²³

With respect to the ownership or control of inputs to electric power production, including intrastate natural gas transportation, intrastate natural gas storage or distribution facilities, physical coal supply sources, and ownership of or control over who may access transportation of coal supplies, although Applicant's affiliates own various pipelines that deliver fuel to select locations, the rates, terms and conditions for service over all pipelines are governed by open access tariffs on file with the Commission. Thus, Applicant does not have, and will not have, the ability to utilize its affiliation with the pipeline fuel-delivery systems in a way to benefit itself vis-à-vis all other competitors. Applicant affirms that neither Applicant nor any of its affiliates has vertical market power in any region and will not exercise vertical market power in any region.

In addition, Applicant affirms that neither it nor any of its affiliates has erected or will erect barriers to entry to competing suppliers through the control of inputs to electric power production in any geographic market.

Finally, Applicant is affiliated, through common upstream ownership and control, with a vertically integrated electric utility in the ISO-NE market with a franchised service territory (GMP). Applicant will abide by the Commission's rules and regulations for market-based rate

²² *Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities*, Order No. 807, 150 FERC ¶ 61,211 (2015), *order on reh'g*, Order No. 807-A, 153 FERC ¶ 61,047 (2015); 18 C.F.R. § 35.28(d) (2016).

²³ *See Kingfisher Wind*, 151 FERC ¶ 61,276, at P 27 ("An applicant that qualifies for the blanket OATT waiver under 18 C.F.R. § 35.28(d)(2) should affirm in its market-based rate application that it qualifies for the blanket OATT waiver.").

sellers,²⁴ including the restrictions on transactions between a market-based rate seller and its affiliates that are franchised public utilities. Therefore, no affiliate issues present any barriers to market-based rate authority for Applicant.

Accordingly, Applicant lacks vertical market power.

V. ANCILLARY SERVICES

The Applicant requests authority to sell certain ancillary services in various markets to the extent authorized for companies permitted to sell power at market-based rates, consistent with the terms of the Tariff.

The Applicant's Tariff contains provisions for the sale of certain ancillary services at market-based rates under terms and conditions consistent with Commission precedent.

VI. COMPLIANCE WITH COMMISSION REGULATIONS

As required by Order No. 697, Applicant has included in its proposed MBR Tariff a provision requiring compliance with Part 35, Subpart H of the Commission's regulations.²⁵ If granted market-based rate authorization, Applicant will comply with the various reporting requirements applicable to entities authorized to sell electric energy, capacity, and ancillary services at market-based rates, subject to the waivers Applicant requests in this Application, to the extent granted. Applicant will submit Electric Quarterly Reports pursuant to the Commission's regulations²⁶ and the requirements of Order Nos. 2001, *et al.*,²⁷ and will inform

²⁴ 18 C.F.R. § 35.39 (2016).

²⁵ Order No. 697, at App. C.

²⁶ 18 C.F.R. § 35.10(b) (2016).

²⁷ *Revised Pub. Util. Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-
continued . . .

the Commission of any material change in status that would reflect a departure from the facts provided in this Application.²⁸

VII. REQUEST FOR DETERMINATION OF CATEGORY 1 STATUS

Consistent with Commission regulations, Seller should be designated as a Category 2 Seller for the Northeast region, because Applicant's affiliates own and control generation and transmission and operate as a franchised public utility in that region, and the Northwest region, because Applicant's affiliates own, operate or control transmission facilities in that region.²⁹

New Creek Wind requests that it be designated as a Category 1 Seller for the remaining regions (*i.e.*, the Central, Southeast, Southwest, and Southwest Power Pool ("SPP") regions) as it (1) does not own or control, and is not affiliated with entities that own or control, 500 MW or more of generation in these regions; (2) does not own, operate, or control, and is not affiliated with any entity that owns, operates, or controls, transmission facilities in these regions (other than limited equipment necessary to interconnect individual generating facilities with the transmission grid); (3) is not affiliated with any franchised public utility in these regions; and (4) does not present any other vertical market power concerns in these regions.³⁰

B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334, *order refining filing requirements*, Order No. 2001-E, 105 FERC ¶ 61,352 (2003), *order on clarification*, Order No. 2001-F, 106 FERC ¶ 61,060 (2004), *order revising filing requirements*, Order No. 2001-G, 120 FERC ¶ 61,270, *order on reh'g and clarification*, Order No. 2001-H, 121 FERC ¶ 61,289 (2007), *order revising filing requirements*, Order No. 2001-I, FERC Stats. & Regs. ¶ 31,282 (2008).

²⁸ 18 C.F.R. § 35.42 (2016).

²⁹ 18 C.F.R. § 35.36(a)(3) (2016).

³⁰ 18 C.F.R. § 35.36(a)(2) (2016).

VIII. REQUESTS FOR WAIVERS AND ADDITIONAL BLANKET AUTHORITY

Applicant requests that the Commission grant it waivers and blanket authorizations customarily granted to other sellers of power at market-based rates. Specifically, Applicant requests: (1) waiver of Subparts B and C of Part 35 of the Commission's regulations, except for 18 C.F.R. §§ 35.12(a), 35.13(b), 35.15, and 35.16; (2) waiver of Parts 41, 101 (with the exception that waiver of the provisions of Part 101 that apply to hydropower licenses is not granted with respect to licensed hydropower projects), and 141 of the Commission's regulations, except for 18 C.F.R. §§ 141.14 and 141.15; (3) blanket authorization under Section 204 of the FPA and Part 34 of the Commission's regulations to issue securities and assume liabilities; and (4) such other waivers and authorizations as the Commission may deem appropriate.

Finally, Applicant requests that the Commission waive the 60-day prior notice rule³¹ to allow Applicant's MBR Tariff to be effective as of October 1, 2016. There is good cause to grant such waiver. First, the requested October 1 effective date is just under the 60-day window, so the period waived is not substantial. Second, allowing the October 1 effective date will ensure that the Project has timely obtained all required regulatory approvals in order to begin generating and selling electric energy (expected shortly thereafter). Finally, such a waiver is consistent with the Commission's grant of waivers for other, similarly situated sellers seeking authorization to sell power in the wholesale markets.³² For these reasons, Applicant requests that the Commission waive the 60-day prior notice rule and accept Applicant's MBR Tariff effective as of October 1, 2016.

³¹ 18 C.F.R. § 35.3(a) (2016)

³² See, e.g., *Silver State Solar Power North*, 139 FERC ¶ 61,088 (granting effective date of March 25, 2012 for initial rate filing submitted on March 22, 2012).

IX. CONCLUSION

Applicant requests that the Commission issue an order: (1) accepting Applicant's proposed MBR Tariff and authorizing Applicant to sell wholesale energy, capacity, and certain ancillary services at market-based rates as set forth in Applicant's MBR Tariff, with the MBR Tariff effective as of October 1, 2016; (2) designating Applicant as a Category 1 Seller in all regions other than the Northeast and Northwest regions; and (3) granting Applicant the waivers and blanket authorizations it requests in this Application and any other waivers necessary for the Commission to grant this Application.

Respectfully submitted,

New Creek Wind LLC

By: Stacy L. Myers
1100 Louisiana, Suite 3300
Houston, Texas 77002
Attorney for Applicant

Dated: August 3, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have on this day caused a copy of the foregoing document to be served upon each of the parties listed in the official service list compiled by the Secretary for this proceeding.

Dated at Houston, Texas, this 3rd day of August, 2016.

/s/ Stacy Myers

Stacy Myers
Senior Legal Counsel
Green Power, Transmission,
and Emerging Technology
Enbridge Energy Company, Inc.
1100 Louisiana St., Suite 3300
Houston, TX 77002

ATTACHMENT A

**NEW CREEK WIND LLC
MARKET-BASED RATE TARIFF**

**New Creek Wind LLC
Market-Based Rate Tariff
FERC Electric Tariff No. 1**

1. Availability: New Creek Wind LLC (“Seller”) makes electric energy, capacity, and certain ancillary services available under this Rate Schedule to any purchaser for resale.
2. Applicability: This Rate Schedule is applicable to all sales of energy, capacity, and certain ancillary services by Seller not otherwise subject to a particular rate schedule of Seller.
3. Rates: All sales shall be made at rates established by agreement between the purchaser and Seller.
4. Other Terms and Conditions: All other terms and conditions shall be established by agreement between the purchaser and Seller.
5. Ancillary Services: Seller will also make available to any purchaser with whom it has contracted, the ancillary services listed in this Paragraph 5.
 - (a) PJM: Seller offers regulation and frequency response service, energy imbalance service, and operating reserve service (which includes spinning, 10-minute, and 30-minute reserves) for sale into the market administered by PJM Interconnection, L.L.C. (“PJM”) and, where the PJM Open Access Transmission Tariff permits, the self-supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.
 - (b) New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.
 - (c) New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.
 - (d) California: Seller offers regulation service, spinning reserve service, and non-spinning reserve service to the California Independent System Operator Corporation (“CAISO”) and to others that are self-supplying ancillary services to the CAISO.

- (e) Midcontinent ISO: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Midcontinent Independent Transmission System Operator, Inc. (Midcontinent ISO) and to others that are self-supplying ancillary services to Midcontinent ISO.
 - (f) Third Party Ancillary Services: Seller offers Regulation Service, Energy Imbalance Service, Spinning Reserves, and Supplemental Reserves. Sales will not include the following: (1) sales to an RTO or an ISO, i.e., where that entity has no ability to self-supply ancillary services but instead depends on third parties; (2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier; and (3) sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers.
6. Effective Date: This tariff is effective on and after October 1, 2016 (or the date set by The Federal Energy Regulatory Commission).
 7. Revisions to Tariff: Seller may file revisions to this Tariff with the Commission. Nothing contained in this Tariff shall be construed as affecting or limiting in any way the right of Seller to unilaterally file with the Commission for a change in any aspect of this Tariff under Section 205 of the Federal Power Act, 16 U.S.C. § 824d, and the Commission's rules and regulations promulgated thereunder.
 8. Compliance with Commission Regulations: Seller shall comply with the provisions of 18 C.F.R. Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning Seller's market-based rate authority, including orders in which the Commission authorizes Seller to engage in affiliate sales under this Tariff or otherwise restricts or limits the Seller's market-based rate authority. Failure to comply with the applicable provisions of 18 C.F.R. Part 35, Subpart H, and with any orders of the Commission concerning Seller's market-based rate authority, will constitute a violation of this Tariff.
 9. Limitations and Exemptions Regarding Market-Based Rate Authority: The Commission granted Seller in Docket No. ER16-____-000, the following waivers and blanket authorization: (i) waiver of Part 41, 101 (with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects) and 141 of the Commission's regulations, except for Sections 141.14 and 141.15; (ii) waiver of Subparts B and C of Part 35 of the Commission's regulations, except for Sections 35.12(a), 35.13(b), 35.15 and 35.16; and (iii) blanket approval as to Section 204 of the FPA and Part 34 of the Commission's regulations for all future issuances of securities and debt and assumptions of liabilities.

10. Seller Category: Seller is a Category 2 seller in the Northeast and Northwest regions and a Category 1 seller in the Central, Southeast, Southwest Power Pool, and Southwest regions, as those categories are defined in 18 C.F.R. § 35.36(a).

ATTACHMENT B
ASSET AND AFFILIATE TABLES

New Creek Wind LLC
Market-Based Rate Tariff
FERC Electric Tariff No. 1

1. Availability: New Creek Wind LLC ("Seller") makes electric energy, capacity, and certain ancillary services available under this Rate Schedule to any purchaser for resale.
2. Applicability: This Rate Schedule is applicable to all sales of energy, capacity, and certain ancillary services by Seller not otherwise subject to a particular rate schedule of Seller.
3. Rates: All sales shall be made at rates established by agreement between the purchaser and Seller.
4. Other Terms and Conditions: All other terms and conditions shall be established by agreement between the purchaser and Seller.
5. Ancillary Services: Seller will also make available to any purchaser with whom it has contracted, the ancillary services listed in this Paragraph 5.
 - (a) PJM: Seller offers regulation and frequency response service, energy imbalance service, and operating reserve service (which includes spinning, 10-minute, and 30-minute reserves) for sale into the market administered by PJM Interconnection, L.L.C. ("PJM") and, where the PJM Open Access Transmission Tariff permits, the self-supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.
 - (b) New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.
 - (c) New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.
 - (d) California: Seller offers regulation service, spinning reserve service, and non-spinning reserve service to the California Independent System Operator Corporation ("CAISO") and to others that are self-supplying ancillary services to the CAISO.
 - (e) Midcontinent ISO: Seller offers regulation service and operating reserve service (which include 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Midcontinent Independent Transmission System Operator, Inc.

(Midcontinent ISO) and to others that are self-supplying ancillary services to Midcontinent ISO.

- (f) Third Party Ancillary Services: Seller offers Regulation Service, Energy Imbalance Service, Spinning Reserves, and Supplemental Reserves. Sales will not include the following: (1) sales to an RTO or an ISO, i.e., where that entity has no ability to self-supply ancillary services but instead depends on third parties; (2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier; and (3) sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers.
6. Effective Date: This tariff is effective on and after October 1, 2016 (or the date set by The Federal Energy Regulatory Commission).
7. Revisions to Tariff: Seller may file revisions to this Tariff with the Commission.
Nothing contained in this Tariff shall be construed as affecting or limiting in any way the right of Seller to unilaterally file with the Commission for a change in any aspect of this Tariff under Section 205 of the Federal Power Act, 16 U.S.C. § 824d, and the Commission's rules and regulations promulgated thereunder.
8. Compliance with Commission Regulations: Seller shall comply with the provisions of 18 C.F.R. Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning Seller's market-based rate authority, including orders in which the Commission authorizes Seller to engage in affiliate sales under this Tariff or otherwise restricts or limits the Seller's market-based rate authority. Failure to comply with the applicable provisions of 18 C.F.R. Part 35, Subpart H, and with any orders of the Commission concerning Seller's market-based rate authority, will constitute a violation of this Tariff.
9. Limitations and Exemptions Regarding Market-Based Rate Authority: The Commission granted Seller in Docket No. ER16-_____-000, the following waivers and blanket authorization: (i) waiver of Part 41, 101 (with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects) and 141 of the Commission's regulations, except for Sections 141.14 and 141.15; (ii) waiver of Subparts B and C of Part 35 of the Commission's regulations, except for Sections 35.12(a), 35.13(b), 35.15 and 35.16; and (iii) blanket approval as to Section 204 of the FPA and Part 34 of the Commission's regulations for all future issuances of securities and debt and assumptions of liabilities.
10. Seller Category: Seller is a Category 2 seller in the Northeast and Northwest regions and a Category 1 seller in the Central,

Southeast, Southwest Power Pool, and Southwest regions, as those categories are defined in 18 C.F.R. § 35.36(a).

FERC rendition of the electronically filed tariff records in Docket No. ER16-02368-000

Filing Data:

CID: C005335

Filing Title: New Creek Wind LLC

Company Filing Identifier: 1798

Type of Filing Code: 400

Associated Filing Identifier:

Tariff Title: Original Volume No. 0

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Payment Confirmation:

Suspension Motion: Y

Tariff Record Data:

Record Content Description, Tariff Record Title, Record Version Number, Option Code:

Section 1, Market Based Rates, 0.0.0, A

Record Narrative Name:

Tariff Record ID: 4153

Tariff Record Collation Value: 500 Tariff Record Parent Identifier: 0

Proposed Date: 2016-10-01

Priority Order: 500

Record Change Type: NEW

Record Content Type: 1

Associated Filing Identifier:

**New Creek Wind LLC
Market-Based Rate Tariff
FERC Electric Tariff No. 1**

1. Availability: New Creek Wind LLC ("Seller") makes electric energy, capacity, and certain ancillary services available under this Rate Schedule to any purchaser for resale.
2. Applicability: This Rate Schedule is applicable to all sales of energy, capacity, and certain ancillary services by Seller not otherwise subject to a particular rate schedule of Seller.
3. Rates: All sales shall be made at rates established by agreement between the purchaser and Seller.
4. Other Terms and Conditions: All other terms and conditions shall be established by agreement between the purchaser and Seller.
5. Ancillary Services: Seller will also make available to any purchaser with whom it has contracted, the ancillary services listed in this Paragraph 5.
 - (a) PJM: Seller offers regulation and frequency response service, energy imbalance service, and operating reserve service (which includes spinning, 10-minute, and 30-minute reserves) for sale into the market administered by PJM Interconnection, L.L.C. ("PJM") and, where the PJM Open Access Transmission Tariff permits, the self-supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.
 - (b) New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York

Independent System Operator, Inc.

- (c) New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.
 - (d) California: Seller offers regulation service, spinning reserve service, and non-spinning reserve service to the California Independent System Operator Corporation ("CAISO") and to others that are self-supplying ancillary services to the CAISO.
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 - (f) Third Party Ancillary Services: Seller offers Regulation Service, Energy Imbalance Service, Spinning Reserves, and Supplemental Reserves. Sales will not include the following: (1) sales to an RTO or an ISO, i.e., where that entity has no ability to self-supply ancillary services but instead depends on third parties; (2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier; and (3) sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers.
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10. Seller Category: Seller is a Category 2 seller in the Northeast and Northwest regions and a Category 1 seller in the Central, Southeast, Southwest Power Pool, and Southwest regions, as those categories are defined in 18 C.F.R. § 35.36(a).

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