

HISCOCK & BARCLAY^{LLP}

Arthur W. Adelberg
Partner

December 5, 2014

VIA ELECTRONIC FILING

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

Re: NiGen, LLC, Docket No. EG15-____-000

Dear Secretary Bose:

Attached please find the notice of self-certification of exempt wholesale generator status submitted for filing by NiGen, LLC pursuant to 18 C.F.R. § 366.7 (2014). Also attached is a form of notice of this filing suitable for publication in the *Federal Register*.

Please contact the undersigned at the number below with any questions regarding this Notice.

Sincerely,

/s/ Arthur W. Adelberg
Arthur W. Adelberg

Counsel to NiGen, LLC

Attachments
CC: Secretary, New York Public Service Commission

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

NiGen, LLC) **Docket No. EG15-____-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 (FERC or Commission), 18 C.F.R § 366.7 (2014), Nigen, LLC (“NiGen”) 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. PRINCIPAL OFFICE OF NIGEN

NiGen’s principal office is located at 5300 Frontier Ave, Niagara, NY 14304.

II. COMMUNICATIONS

NiGen requests that the following persons be placed on the official list for service in this proceeding and respectfully requests waiver, to the extent necessary, of Section 385.203(b)(3) of the Commission’s regulations, 18 C.F.R. §385.203(b)(3), to permit designation of such persons:

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

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III. REPRESENTATIONS

1. NiGen is a Delaware limited liability company formed for the sole purpose of owning a 51 MW coal and biomass-fueled generation facility and associated interconnection facilities located in Niagara Falls, New York (“Facility”). NiGen intends to acquire the Facility from an affiliated entity, Niagara Generation, LLC pursuant to a transaction described in the Federal Power Act section 203 application currently pending before the Commission in Docket No. EC15-43-000. The Commission granted EWG status to a predecessor entity, WPS Niagara Generation, LLC, which owned the identical assets.

2. NiGen will be engaged directly and exclusively in the business of owning and operating the Facility and selling electric energy at wholesale.²

3. NiGen does not intend to make any foreign sales of power 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 366.1 of the Commission’s regulations, 18 C.F.R. § 366.1. The Facility includes no transmission or distribution facilities other than those interconnection facilities necessary to permit the

² NiGen may be engaged in the sale of ancillary services as a by-product that is incidental to the wholesale electric energy sales from the Facility, as permitted by the Commission in *Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998).

Facility to engage in sales at wholesale.

5. The electricity produced by the Facility will be sold exclusively within the United States at wholesale. NiGen intends to sell energy and capacity into the NYISO wholesale market consistent with the instant self-certification of EWG status and with the Market-Based Rate authority NiGen has requested in Docket No ER15-567-000.

6. The Facility includes limited interconnection equipment necessary to connect the Facility to the NYISO grid. The Commission has determined that EWGs may own interconnection and transmission facilities, including substations, necessary to transmit power from the eligible facility to the grid.³

7. There are no lease arrangements involving the Facility to which NiGen is the lessor.

8. No portion of the Facility will be owned or operated by an electric utility company that is an affiliate or associate company of NiGen, as those terms are defined in PUHCA 2005.

9. No rate or charge for, or in connection with, the Facility, 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 a state commission is necessary prior to certification of NiGen as an EWG.

10. A copy of this Self-Certification is concurrently being filed with the New York Public Service Commission.

11. A form of notice of NiGen's notice of self-certification suitable for publication in the *Federal Register* is attached

³ *SEI Holdings VIII, Inc.*, 67 FERC ¶ 61,345 (1994); *PP&L Colstrip III*, 88 FERC ¶ 61,281 (1999); *Louisiana Generating, LLC*, 90 FERC ¶ 61,311 (2000).

IV. CONCLUSION

Wherefore, based upon the facts, representations, and statements above, NiGen respectfully requests that the Commission accept this notice of self-certification of EWG status.

Respectfully submitted,

NIGEN, LLC

By: /s/Arthur W. Adelberg
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December 5, 2014

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

NiGen, LLC

Docket No. EG15-____-000

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

Take notice that on December 5, 2014, pursuant to the Public Utility Holding Company Act of 2005, and section 366.7 of the regulations of the Federal Energy Regulatory Commission (FERC or Commission), 18 C.F.R. § 366.7 (2014), NiGen, LLC (NiGen) submitted a notice of self-certification as an exempt wholesale generator, as defined in 18 C.F.R. § 366.1. NiGen will own and operate a 51 MW (nameplate) coal and biomass-fired electric generation facility located in Niagara Falls, NY (Facility), interconnected to the NYISO grid.

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 NiGen. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than NiGen.

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 _____, 2014.

Kimberly D. Bose
Secretary

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