

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

Nicolis, 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”), enacted as part of the Energy Policy Act of 2005,<sup>1</sup> and Section 366.7 of the Rules and Regulations of the Federal Energy Regulatory Commission (the “Commission”),<sup>2</sup> Nicolis, LLC (“Applicant”) hereby submits this Notice of Self-Certification of Exempt Wholesale Generator (“EWG”) Status based on its development, ownership and operation of an approximately 20 MW solar (maximum gross)/19.16 MW (maximum net) - photovoltaic electric generating project (the “Facility”) located in Tulare County, California.

**I. CORRESPONDENCE AND COMMUNICATIONS**

All communications and correspondence regarding this Notice shall be directed to:

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**II. DESCRIPTION OF APPLICANT**

Applicant is developing an approximately 20 MW (maximum gross)/19.16 MW (maximum net) photovoltaic solar electric generating project<sup>3</sup> located in Tulare County,

<sup>1</sup> EPAAct 2005, Pub. L. No. 109-58, 1261-80, 119 Stat. 594 (2005).

<sup>2</sup> 18 C.F.R. § 366.7 (2015).

<sup>3</sup> The Facility is a qualifying small power production facility; see, Docket No. QF16-357-000.

California. The Facility will be interconnected with transmission facilities owned and controlled by Southern California Edison Company (“SCE”), within the California Independent System Operator Corporation (“CAISO”) regional transmission organization. The Facility is presently expected to begin sales of test energy by the end of the first quarter of 2016 and commence commercial operations shortly thereafter.

Applicant, a limited liability company organized under the laws of the State of Delaware, is a subsidiary of Coronal Group LLC (“Coronal”); Coronal holds or controls all of the voting or equivalent interests in the Applicant.<sup>4</sup> Coronal is an alternative energy firm that develops, finances, builds, operates and maintains solar photovoltaic projects. Coronal is ultimately owned and controlled by natural persons. Coronal is not affiliated with any public utility or electric utility except for Qualifying Facilities.

### III. SELF CERTIFICATION OF EWG STATUS

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.<sup>5</sup> Consistent with the Commission’s regulations, Applicant makes the following representations to certify that it will satisfy the requirements for EWG status:

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<sup>4</sup> Applicant discloses this voting ownership solely for informational purposes. Applicant understands that its indirect ownership is not relevant to the Applicant’s own eligibility for EWG status. *See, BG Dighton Power, et al.*, Docket No. EG06-73-000, et al., 132 FERC ¶ 61,029 (2010) at P 5 (internal citations omitted).

<sup>5</sup> *See* 18 C.F.R. §§ 366.7 and 366.1. 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 the purposes of establishing or determining whether an entity qualifies for EWG status.

1. Applicant 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,<sup>6</sup> 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. Applicant 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 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 and, therefore, no State determination is required with respect to this filing.
4. There are no lease arrangements through which Applicant will lease the Facility to a public utility company or any other party.
5. Applicant 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 Applicant.

In accordance with Section 366.7(a) of the Commission’s regulations, a copy of this Notice is concurrently being served upon the California Public Utilities Commission.

#### **IV. CONCLUSION**

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

Respectfully submitted,

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<sup>6</sup> Prior to effecting any sale of power at wholesale that is subject to the Commission’s jurisdiction, the Applicant will apply for and obtain market-based rate authority, pursuant to 18 C.F.R. §§ 35.3(a) and 35.36 et seq.

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Dated: May 19, 2016

CC: California Public Utilities Commission (Service Pursuant to 18 C.F.R. §§ 366.7(a) and 385.2010).

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