



## **I. CORRESPONDENCE AND COMMUNICATIONS**

All communications and correspondence regarding this Notice shall be directed to:<sup>3</sup>

Nathan Thomas  
Chief Compliance Officer  
The D. E. Shaw Group  
1166 Avenue of the Americas  
Ninth Floor  
New York, NY 10036  
Tel: (212) 478-0000  
regulatory@deshaw.com

Michael J. Gergen  
Tyler Brown  
Joshua W. Marnitz  
Latham & Watkins LLP  
555 Eleventh Street, NW  
Suite 1000  
Washington, DC 20004  
Tel: (202) 637-2200  
michael.gergen@lw.com  
tyler.brown@lw.com  
joshua.marnitz@lw.com

## **II. DESCRIPTION OF APPLICANT**

Applicant is developing, owns, and expects to operate the North Star Solar Generating Facility, an approximately 100 MW-AC (nameplate) solar photovoltaic electric generating facility located near the city of North Branch in Chisago County, Minnesota (the “Facility”). Applicant also owns certain transmission facilities (“Interconnection Facilities”) necessary to interconnect the Facility to the Chisago Substation, which is the Facility’s point of interconnection with the transmission system owned by Northern States Power Company (“Northern States Power”). Applicant will use the Interconnection Facilities to transmit electricity from the Facility to the point of interconnection with the electric transmission system owned by Northern States Power within the Midcontinent Independent System Operator, Inc. balancing authority area (“MISO BAA”).

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<sup>3</sup> To the extent necessary, Applicant respectfully requests waiver of Section 385.203(b)(3) of the Commission’s regulations, 18 C.F.R. § 385.203(b)(3), in order to permit designation of such persons for service.

The output of the Facility is fully committed under a long-term power purchase agreement with Northern States Power expiring in 2042. Applicant is contemporaneously filing an application for market-based rate authorization, including blanket authorization to issue securities pursuant to Section 204 of the FPA. Applicant expects to energize the Facility during the third quarter of 2016 and to place the Facility into commercial operation during the fourth quarter of 2016.

### 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>4</sup> Consistent with the Commission's regulations, Applicant makes the following representations to certify that it will satisfy the requirements 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, and the Facility will satisfy the definition of an "eligible facility" under Section 32(a)(2) of PUHCA 1935 because it will be used for the generation of electric energy exclusively for sale at wholesale.<sup>5</sup>
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.

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<sup>4</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-5a(b)-(d) ("PUHCA 1935"), for the purposes of establishing or determining whether an entity qualifies for EWG status.

<sup>5</sup> Applicant 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). In addition, Applicant may be engaged in the sale of renewable energy credits ("RECs") associated with the electricity produced by the Facility. The Commission has determined that the sale of RECs associated with an eligible facility is an activity incidental to an EWG's business of owning and operating an eligible facility and selling electricity at wholesale. See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

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 as those terms are defined in PUHCA 2005.

In accordance with Section 366.7(a) of the Commission’s regulations, a copy of this Notice is concurrently being served upon the Minnesota Public Utilities Commission. A form of notice of Applicant’s notice of self-certification suitable for publication in the *Federal Register* is also attached.

#### **IV. CONCLUSION**

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

Respectfully submitted,

Michael J. Gergen  
Michael J. Gergen  
Tyler Brown  
Joshua W. Marnitz  
Latham & Watkins LLP  
555 Eleventh Street, NW, Suite 1000  
Washington, DC 20004

*Counsel for North Star Solar PV LLC*

Dated: June 23, 2016

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

**North Star Solar PV LLC**

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

**NOTICE OF FILING**

Take notice that on June 23, 2016, 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 (2015), North Star Solar PV LLC (Applicant) submitted a notice of self-certification as an exempt wholesale generator, as defined in section 366.1 of the Commission's regulations, 18 C.F.R. § 366.1.

Applicant is constructing and will own or lease and operate an approximately 100 MW-AC (nameplate) solar-powered electric generating facility located near the city of North Branch in Chisago County, Minnesota (Facility). The Facility will be interconnected to the electric distribution system owned and operated by Northern States Power Company.

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, NE, Washington, DC 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, DC. 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on \_\_\_\_\_, 2016.

Kimberly D. Bose  
Secretary