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September 9, 2015

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

**Re: Notice of Self-Certification of Exempt Wholesale Generator Status  
Docket No. EG15-\_\_\_-000**

Dear Secretary Bose:

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”), enacted pursuant to the Energy Policy Act of 2005, and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (“Commission”), Odell Wind Farm, LLC (“Odell” or “Applicant”) submits for filing a notice of self-certification of its status as an exempt wholesale generator (“EWG”).

Feel free to contact me with any questions at (585) 263-1322. Thank you for your assistance.

Very truly yours,

/s/Elizabeth W. Whittle  
Elizabeth W. Whittle

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

ODELL WIND FARM, LLC

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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”), enacted pursuant to the Energy Policy Act of 2005,<sup>1</sup> and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (“Commission”),<sup>2</sup> Odell Wind Farm, LLC (“Odell” or “Applicant”) hereby submits this notice of self-certification of its status as an exempt wholesale generator (“EWG”).

**I. Communications**

The address and principal place of business of Odell is:

Odell Wind Farm, LLC  
c/o Algonquin Power Co.  
354 Davis Road, Suite 100  
Oakville, Ontario L6J 2X1

The following persons are authorized to receive service and communications regarding this notice of self-certification of EWG status:

David Cheung Atkinson  
Business Development Specialist  
Algonquin Power Co.  
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<sup>1</sup> Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594, §§ 1261-77 (2005).

<sup>2</sup> 18 C.F.R. § 366.7 (2014).

## **II. Description of Applicant and Facility**

Applicant is a Minnesota limited liability company whose sole and managing member is Odell Holdings, LLC. Odell Holdings, LLC's sole and managing member is Odell SponsorCo, LLC. Odell SponsorCo, LLC has two members with an equal fifty percent interest: Enel Kansas, LLC and Algonquin Power (Odell Holdings) Inc. Applicant intends to install a 200MW wind-powered electric generating facility (the "Facility") located in Cottonwood, Jackson, Martin and Watonwan Counties, Minnesota. Pursuant to the Generator Interconnection Agreement ("GIA") filed with FERC on October 27, 2014, the Facility will interconnect with Midcontinent Independent System Operator, Inc. ("MISO"). The Applicant entered into a power purchase agreement with Northern States Power Company ("Northern States"), a corporation organized and existing under the laws of the State of Minnesota. Pursuant to the power purchase agreement, Northern States will purchase 100% of all energy, renewable energy credits ("RECs"), and installed capacity (collectively, the "Products") produced by or available from the Facility. Power from the Facility will be transmitted to the Point of Interconnection over a generator lead line that is approximately nine (9) miles long.

## **III. Representations Regarding Exempt Wholesale Generator Status**

Consistent with Section 366.1 of the Commission's regulations, Odell makes the following representations in order to certify that it satisfies the requirements for EWG status:

1. Odell will be engaged directly and exclusively in the business of owning or operating, or both owning and operating, the Facility and selling electric energy at wholesale. Consistent with the Commission's EWG precedent, Odell may also engage in certain activities the Commission has previously determined to be incidental to wholesale sales of electric energy,

including, but not limited to, the sale of RECs.<sup>3</sup> These incidental activities do not violate the EWG exclusivity requirement.

2. The Facility is not located in a foreign country and Odell will make no foreign sales of power at retail.

3. The Facility will be an “eligible facility” as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 which is made part of the Commission’s regulations under 18 C.F.R. Section 366.1.

4. All of the electric energy generated by the Facility will be sold directly within the United States exclusively at wholesale; no retail sales of electricity will be made from the Facility. The Facility includes no transmission or distribution facilities other than those interconnection facilities necessary to make wholesale sales of energy. The transmission line is sized to carry the power generated by the Facility to the Point of Interconnection.<sup>4</sup> The Facility will include only those interconnecting transmission facilities that are necessary to interconnect the Facility with the transmission system and to effect a sale of electric energy at wholesale.

5. Sales of electric energy generated at the Facility will be consistent with the instant self-certification of EWG status. A sale of electric energy to a purchaser that resells the power, whether that resale is at wholesale or retail, is a “sale of electric energy at wholesale” as defined in Section 201(d) of the Federal Power Act, 16 U.S.C. § 824(d) (2015).

6. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility, was in effect under the laws of any State on October 24, 1992. As such, no State consent is required.

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<sup>3</sup> See, e.g., Madison Windpower, LLC, 93 FERC ¶ 61,270 (2000) (finding the sale of “green” power certificates to be incidental to the sale of electric energy at wholesale).

<sup>4</sup> See, e.g., Sagebrush, Euros ToyoWest Management LLC, 103 FERC ¶ 61,332 (2003); Termoelectrica U.S., LLC, et al., 102 FERC ¶ 61,019 (2003).

7. No portion of the Facility is owned or operated by an electric utility company that is an “affiliate” or “associate company” of Odell, within the meaning of Section 366.1 of the Commission’s regulations.

**IV. Notice**

A copy of this notice of self-certification of EWG status has been served on the Minnesota Public Utilities Commission.

**V. Conclusion**

Based upon the foregoing, Odell respectfully requests that the Commission accept its notice of self-certification of EWG status.

Respectfully submitted,

/s/Elizabeth W. Whittle  
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Nixon Peabody LLP  
799 9<sup>th</sup> Street, N.W.  
Suite 500  
Washington, D.C. 20001

*Counsel for Odell Wind Farm, LLC*

September 9, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 9th day of September, 2015, served the foregoing document upon the Minnesota Public Utilities Commission.

/s/Elizabeth W. Whittle  
Elizabeth W. Whittle