

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

Old Settler Wind, LLC

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Docket No. EG17-____-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 2005,¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (“Commission”),² Old Settler Wind, LLC (“Old Settler” 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 Old Settler is:

Old Settler Wind, LLC
310 4th Street, Suite 200
Charlottesville, VA 22903

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

¹ Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594, §§ 1261-77 (2005).

² 18 C.F.R. § 366.7 (2016).

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II. Description of Applicant and Facility

Old Settler is constructing and will own an approximately 151.2 MW (nameplate) wind powered electric generation facility currently under development in Floyd County, Texas (the “Old Settler Facility”). The Old Settler Facility is currently projected for commercial operation on or about March 15, 2017. The Old Settler Facility will consist of sixty-three GE 2.4MW, 107m rotor wind turbines and associated equipment, as well as the limited interconnection facilities necessary to interconnect the Old Settler Facility with the Electricity Reliability Council of Texas, Inc. (“ERCOT”) grid.

Old Settler will sell all of its output into the ERCOT market and will not sell any electricity outside of ERCOT.

III. Representations Regarding Exempt Wholesale Generator Status

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

1. Old Settler will be engaged directly and exclusively in the business of owning or operating, or both owning and operating, the Old Settler Facility and selling electric energy at wholesale. Consistent with the Commission’s EWG precedent, Old Settler 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: (i) the sale of ancillary services;³ (ii) the sale of Renewable Energy Credits (“RECs”);⁴ (iii) entering into agreements relating to shared facilities used for the operation of the Old Settler Facility;⁵ and (iv) risk management and hedging activities that are a necessary incident to participation in the energy markets (*e.g.*, financial swap arrangements to cover price fluctuations associated with Applicant’s physical exposure of its wholesale sales of electric energy in the energy markets).⁶ These incidental activities do not violate the EWG exclusivity requirement.

2. Old Settler will make no foreign sales of power at retail.

3. The Old Settler Facility is an “eligible facility” within the meaning of Section 32(a)(2) of the Public Utility Holding Company Act of 1935, which is incorporated by reference in 18 C.F.R. Part 366.1.

4. All of the electric energy generated by the Old Settler Facility will be sold exclusively at wholesale; no retail sales of electricity will be made from the Old Settler Facility.

5. The Old Settler Facility will include only those interconnecting transmission facilities that are necessary to interconnect the Old Settler Facility with the transmission system and to effect sales of electric energy at wholesale. Those interconnection facilities, therefore, qualify as “interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale” and are included as part of Old Settler’s eligible facility.⁷

³ See, *e.g.*, *Duke Energy Oakland LLC*, 83 FERC ¶ 61,304, 62,251-52 (1998); *Sithe Framingham LLC*, 83 FERC ¶ 61,106, 61,504 (1998).

⁴ The Commission previously has determined that an EWG may trade emission related products obtained for the normal course of operating the applicant's eligible facility. See, *e.g.*, *UGI Dev. Co.*, 89 FERC ¶ 61,192, 61,588 (1999).

⁵ See *Buffalo Gap Wind Farm 2, LLC*, 118 FERC ¶ 61,069, at PP 2, 14 (2007).

⁶ See *Sithe/Indep. Power Partners, L.P.*, 101 FERC ¶ 61,287, at P 6 n.4 (2002) (*citing TXU (No. 5) Pty. Ltd.*, 92 FERC ¶ 61,170 (2000)).

⁷ 15 U.S.C. § 79z-5a(a)(2) (repealed).

6. No rate or charge for, or in connection with, the construction of the Old Settler Facility, or for electric energy produced by the Old Settler Facility, was in effect under the laws of any State on October 24, 1992. As such, no determination or certification by any state commission is necessary prior to certification of Old Settler as an EWG.

7. No portion of the Old Settler Facility will be owned or operated by an electric utility company that is an “affiliate” or “associate company” of Old Settler, 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 Public Utility Commission of Texas.

V. Conclusion

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

Respectfully submitted,

/s/ Adam Wenner

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Attorney for Old Settler Wind, LLC

Date: January 5, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of January, 2017, served the foregoing document upon the Public Utility Commission of Texas.

/s/ Adam Wenner

Adam Wenner

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Document Content(s)

Old Settler Notice of Self-Certification of EWG Status.PDF.....1-5