

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

Oliver Wind III, LLC

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

**NOTICE OF SELF-CERTIFICATION OF  
EXEMPT WHOLESALE GENERATOR STATUS OF  
OLIVER WIND III, LLC**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”), enacted pursuant to the Energy Policy Act of 2005, §§ 1261-77, Pub. L. No. 109-58, 119 Stat. 594 (2005), and Section 366.7, 18 C.F.R. § 366.7 (2015) of the regulations of the Federal Energy Regulatory Commission (“FERC” or “Commission”), Oliver Wind III, LLC, a Delaware limited liability company (“Applicant” or “Oliver Wind III”), hereby submits this notice of self-certification (“Notice”) of its status as an exempt wholesale generator (“EWG”), as defined in Section 366.1 of the Commission’s rules, 18 C.F.R. § 366.1 (2015). In support of this Notice, Applicant hereby states as follows:

**I. Principal Office of Applicant**

The principal office of Applicant is set forth below:

Oliver Wind III, LLC  
700 Universe Blvd.  
Juno Beach, FL 33408-0420

**II. Communications**

All communications regarding this Application should be provided to:

Gunnar Birgisson  
Senior Attorney  
NextEra Energy Resources, LLC  
801 Pennsylvania Ave., N.W., Ste. 220  
Washington, D.C. 20004  
(202) 349-3494  
[gunnar.birgisson@nee.com](mailto:gunnar.birgisson@nee.com)

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

Applicant is a wholly-owned direct subsidiary of ESI Energy, LLC, a Delaware limited liability company, which in turn is a wholly-owned direct subsidiary NextEra Energy Resources, LLC (“NextEra Resources”), a Delaware limited liability company. NextEra Resources is a wholly-owned direct subsidiary of NextEra Energy Capital Holdings, Inc., a Florida corporation, which in turn is a wholly-owned direct subsidiary of NextEra Energy, Inc., a Florida corporation publicly traded on the New York Stock Exchange.

Oliver Wind III will own and operate a wind generating facility with 99.3 MW aggregate nameplate capacity (the “Facility”) located in Oliver County, North Dakota. The Facility will start operations later in 2016. It will operate within the Midcontinent Independent System Operator, Inc. balancing authority area, and interconnect with Minnkota Power Cooperative, Inc.

Applicant neither owns nor controls transmission, other than certain interconnecting transmission facilities necessary to permit the Facility to engage in sales at wholesale. With respect to physical energy commodities, Applicant may engage in wholesale sales of electric energy, capacity, and ancillary services at market-based rates sales in the region.

In connection with operating the Facility, Applicant also may engage in the following incidental activities that the Commission has found permissible EWG activities:

- Trade emission allowances consistent with the Commission’s limitation that an EWG may engage in such trading so long as the emission allowances were originally obtained in the normal course of operating the Facility.<sup>1</sup>
- Sell “green” power certificates or credits consistent with the Commission’s limitation that an EWG may sell such certificates or credits where they are associated with power produced by the Facility.<sup>2</sup>

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<sup>1</sup> See *UGI Development Co.*, 89 FERC ¶ 61,192 (1999).

<sup>2</sup> See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

- Engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission’s EWG precedent.

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

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

1. Applicant represents that it will be engaged directly and exclusively in the business of owning and operating the Facility and selling electric energy at wholesale. Consistent with the Commission’s EWG precedent, the associated activities described in Part III above are incidental to the wholesale generation business and will not violate the EWG exclusivity requirement. The Facility, as described above, will satisfy the definition of Eligible Facilities as defined in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 and as incorporated by reference in 18 C.F.R. § 366.1, because it will be used for the generation of electric energy exclusively for sale at wholesale.

2. The Facility includes no transmission or distribution facilities other than those interconnecting transmission facilities necessary to permit the Facility to engage in sales at wholesale.

3. Applicant will not make sales of power at retail.

4. 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 determination or certification by a state commission is necessary prior to certification of the Facility as an EWG.

5. No portion of the Facility will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Applicant that is not itself an EWG, as defined in Section 366.1 of the Commission’s regulations.

6. There are no leasing arrangements involving the Facility and any public utility company or any affiliate or associate company of any public utility company.

**V. Conclusion**

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

Respectfully submitted,

*/s/ Gunnar Birgisson*

Gunnar Birgisson

Senior Attorney

NextEra Energy Resources, LLC

801 Pennsylvania Ave., N.W.

Suite 220

Washington, D.C. 20004

(202) 349-3494

*Counsel for Oliver Wind III, LLC*

Dated: April 8, 2016

**CERTIFICATE OF SERVICE**

I, Gunnar Birgisson, hereby certify that I have this day caused the foregoing Notice of Self- Certification of Exempt Wholesale Generator Status of Oliver Wind III, LLC to be served by first-class mail upon the Florida Public Service Commission and the North Dakota Public Service Commission.

Dated at Washington, D.C. this 8th day of April, 2016.

*/s/ Gunnar Birgisson*  
Gunnar Birgisson  
NextEra Energy Resources, LLC  
801 Pennsylvania Ave., N.W.  
Suite 220  
Washington, D.C. 20004