

II. DESCRIPTION OF SOLAR GEN

A. Solar Gen's Ownership Structure

Solar Gen is a Delaware limited liability company that is indirectly wholly owned by First Solar, Inc. ("First Solar"), a Delaware corporation headquartered in Tempe, Arizona.

B. Solar Gen's Proposed Activities

1. The Facilities and Power Sales

Solar Gen is constructing and owns three nominal 50 MW (net) solar-powered electric generation facilities located in Imperial County, CA (the "Facilities"). The Facilities are expected to begin operational testing in February 15, 2014 and to begin full commercial operation on or about August 31, 2015. They will consist of 629,040 modules, including 90 watt First Solar modules and 285 watt Canadian Solar modules, and associated facilities and equipment necessary for the generation and sale of power at wholesale. The Facilities will also include electric interconnection facilities necessary to effectuate Solar Gen's wholesale power sales from the Facilities. Solar Gen will own the electric interconnection facilities that consist of generator leads, lengths of wire, step-up transformers, substations and/or other related appurtenant equipment to the point of interconnection. The Facilities will be interconnected with the Imperial Irrigation District ("IID") Transmission System.

Solar Gen plans to sell electric energy and capacity produced from the Facilities exclusively at wholesale. Before producing or selling power, Solar Gen will file with the Commission for authorization under section 205 of the Federal Power Act to make wholesale power sales at market-based rates.

2. Solar Gen's Other Potential Incidental Activities

In connection with owning and operating the Facilities, Solar Gen may also engage in the following incidental activities that the Commission has found to be permissible EWG activities:

- sell ancillary services available from the Facilities which are incidental to, and by-products of, the Facilities' operations as wholesale power generators;⁴
- reassign excess transmission capacity consistent with the Commission's requirement that such reassignment be limited to transmission capacity that Solar Gen obtains for the purpose of making wholesale sales of electric energy;⁵
- purchase and sell congestion revenue rights that Solar Gen needs for the Facilities' wholesale power sales;⁶
- resell excess fuel supplies or assign its excess fuel transportation capacity provided that such sales be made only if such fuel supplies or transportation were originally contracted by Solar Gen to operate the Facilities;⁷
- trade emission allowances consistent with the Commission's limitation that an EWG may only engage in such trading so long as the emission allowances were originally obtained in the normal course of operating the Facilities;⁸
- sell "green" power certificates or renewable energy 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 Facilities;⁹
- lease or rent property to third parties, but to the extent a lease arrangement is not reasonably necessary to Solar Gen's generation business and a rental fee is

⁴ The Commission has recognized that the sale of the following ancillary services are consistent with EWG status: reactive power and voltage support, regulation and frequency response services, load following, energy balancing services, spinning and supplemental reserves, and blackstart capability, and other ancillary services consistent with the Commission's rules or as otherwise permitted by the Commission. See, e.g., *Duke Energy Oakland, LLC*, 83 FERC ¶ 61,304 (1998); *Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998).

⁵ See *CNG Power Services Corp.*, 71 FERC ¶ 61,026, at p. 61,103-04 (1995).

⁶ See *Duquesne Power, LP*, 106 FERC ¶ 61,104 (2004).

⁷ See *Selkirk Cogen Partners, LP*, 69 FERC ¶ 61,037, at p. 61,168-69 (1994).

⁸ See *UGI Development Co.*, 89 FERC ¶ 61,192 (1999).

⁹ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

received above a nominal amount, Solar Gen will, consistent with EWG precedent, donate or transfer such rental revenues to a non-affiliated entity;¹⁰

- engage in project development activities associated with the Facility. Such project development activities may include, but are not necessarily limited to, the following activities: due diligence; site investigations; feasibility studies; preliminary design and engineering; licensing and permitting; negotiation of asset and land acquisitions; negotiation of contractual commitments with lenders, equity investors, governmental authorities and other project participants and such other activities as may be necessary to financially close on eligible facilities; negotiation of power sales contracts; equipment purchases; fuel supply; engineering, construction, interconnection, and related matters; preparation and submission of bid proposals; and development of financing programs related to owning or operating the Facility and/or additional electric generation facilities that satisfy the criteria for EWG status;¹¹ and
- engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission’s EWG precedent.

III. SOLAR GEN’S REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

Solar Gen makes the following representations in order to demonstrate that it meets the Commission’s definition of an EWG under Section 366.1 of the Commission’s regulations for its energy sales from the Facilities.

A. Solar Gen will be engaged directly and exclusively in the business of owning or operating all or part of one or more Eligible Facilities¹² and selling electric energy at wholesale. The Facilities, as described in Section II.B.1 above, are Eligible Facilities because they will be used for the generation of electric energy exclusively for sale at wholesale. Consistent with the

¹⁰ See, e.g., *Duke Energy Hot Spring, LLC*, 98 FERC ¶ 61,287 (2002); *PSEG Fossil, LLC, et al.*, 95 FERC ¶ 61,405 (2001).

¹¹ See *Coastal Nejava Ltd.*, 71 FERC ¶ 61,081 (1995). Solar Gen will, to the extent required by the Commission, file a new notification of EWG status if it acquires ownership and/or operating interests in any additional Eligible Facilities or EWGs not described herein.

¹² Section 366.1 of the Commission’s regulations adopts by reference Section 32(a)(2) of the Public Utility Holding Company Act of 1935 (as amended, “PUHCA 1935”), 15 U.S.C. § 79a-5a(a)(2), which defines the term eligible facilities (“Eligible Facilities”). Thus, the term Eligible Facilities as used herein has the meaning ascribed to it in Section 32(a)(2) of PUHCA 1935.

Commission's EWG precedent, the activities described in Section II.B.2 above that Solar Gen may engage in are incidental to the wholesale generation business and will not violate the EWG exclusivity requirement.

B. Solar Gen will not make any sales of power at retail.

C. The Facilities will be interconnected with the transmission facilities owned by IID and operated by the IID balancing authority. Solar Gen will own only limited interconnection facilities that are necessary to effectuate the Facilities' wholesale power sales. Such interconnection facilities also constitute Eligible Facilities.

D. No rate or charge for, or in connection with, the construction of the Facilities or for electric energy produced by the Facilities was in effect under the laws of any state as of October 24, 1992. Accordingly, no State commission determinations pursuant to Section 32(c) of PUHCA are required.

E. No portion of the Facilities will be owned or operated by an Electric Utility Company that is an Affiliate or Associate Company of Solar Gen.¹³

In accordance with Section 366.7(a) of the Commission's regulations,¹⁴ a copy of this notice of self-certification is being concurrently served upon the Public Utilities Commission of California.

¹³ The terms "Electric Utility Company," "Affiliate" and "Associate Company" have the meanings ascribed to them in Section 366.1 of the Commission's regulations.

¹⁴ 18 C.F.R. § 366.7(a).

IV. CONCLUSION

For the reasons set forth in this notice of self-certification, Solar Gen satisfies the requirements for EWG status.

Respectfully submitted,

/s/ Raymond B. Wuslich


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ATTORNEYS FOR
SG2 IMPERIAL VALLEY, LLC

Dated: December 18, 2013

SUBSCRIPTION CERTIFICATION

I, Brian Kunz, hereby certify that I am Vice President, Development of SG2 Imperial Valley, LLC. ("Solar Gen") and that, as such, I am legally authorized to bind Solar Gen to the facts and representations in the foregoing notice of self-certification of exempt wholesale generator status. I have read the foregoing notice of self-certification of Solar Gen and I affirm that the facts, representations and statements set forth therein are true and correct to the best of my knowledge and belief.



Brian Kunz, VP Development
December 13, 2013

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

SG2 Imperial Valley, LLC.

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Docket No. EG14-_____-000

**NOTICE OF SELF-CERTIFICATION
OF EXEMPT WHOLESALE GENERATOR STATUS**

(December 18, 2013)

Take notice that on December 18, 2013, SG2 Imperial Valley, LLC. (“Solar Gen”), a limited liability company, filed a Notice of Self Certification demonstrating that it is an exempt wholesale generator within the meaning of section 366.1 of the Commission’s regulations.

Solar Gen will own and operate three approximately 50 MW solar-powered electric generation facilities located in Imperial County, California (the “Facilities”). The Facilities will be interconnected with the transmission system operated by the Imperial Irrigation District.

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, pursuant to 18 C.F.R. § 385.214. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not 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, N.E., Washington, D.C. 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, D.C. 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, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Kimberly D. Bose
Secretary

CERTIFICATE OF SERVICE

I hereby certify that SG2 Imperial Valley, LLC's foregoing Notice of Self-Certification of Exempt Wholesale Generator Status was served this 18th day of December, 2013, by first-class mail, postage prepaid, upon the following:

Public Utilities Commission of California
505 Van Ness Avenue
San Francisco, CA 94102

/s/ Carlos Sisco

Carlos Sisco
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