

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

**Three Peaks Power, LLC**

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**Docket No. EG17-\_\_-000**

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

Three Peaks Power, LLC (“Three Peaks”) certifies to the Federal Energy Regulatory Commission (“Commission”) that it is an Exempt Wholesale Generator (“EWG”) as defined under the Public Utility Holding Company Act of 2005 (“PUHCA 2005”) and Part 366 of the Commission’s regulations.<sup>1</sup>

**I. COMMUNICATIONS**

All communications regarding this application should be addressed to:

Stephen H Douglas Centaurus Renewable Energy LLC 2800 Post Oak Blvd., Suite 225 Houston, TX 77056 Tel: (713) 554-1352 sdouglas@centaurusenergy.com	Michael J. Rustum Norton Rose Fulbright US LLP 799 9 <sup>th</sup> Street, NW, Suite 1000 Washington, D.C. 20001 Tel: (202) 662-0454 michael.rustum@nortonrosefulbright.com
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**II. PRINCIPAL PLACE OF BUSINESS**

The address and principal place of business of Three Peaks is:

Three Peaks Power, LLC  
c/o Stephen H Douglas  
2800 Post Oak Boulevard, Suite 225  
Houston, TX 77056

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<sup>1</sup> 18 C.F.R. Part 366 (2016).

### **III. DESCRIPTION OF THREE PEAKS**

Three Peaks is a Delaware limited liability company that has been formed to act as the project company with respect to the ownership and operation of a photovoltaic electric generating facility located in Cedar City, Utah. Three Peaks owns an approximately 80 MW ground-mounted photovoltaic solar energy facility (the “Facility”) occupying 551 acres of land, which is scheduled to generate test power on or around November 14, 2016, and to begin commercial operation on or around December 1, 2016. Three Peaks will sell its full output at wholesale to PacifiCorp (“Buyer”) under a long-term power purchase agreement. Three Peaks is interconnected with the transmission system under control of the PacifiCorp East Balancing Authority Area (“BAA”). The Facility includes interconnection facilities that are necessary for the electric output of the unit to be delivered to the grid, but does not provide transmission services for other parties or comprise an integrated transmission system.

### **IV. REPRESENTATIONS AND INFORMATION REQUIRED BY 18 C.F.R. § 366.7.**

By this Self-Certification of EWG Status, Three Peaks self-certifies to the Commission that it is an EWG within the meaning of Section 1262(6) of PUHCA and 18 C.F.R. §§ 366.1 and 366.7. In support of this Notice of Self-Certification of EWG Status, Three Peaks represents the following:

1. Three Peaks 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 as defined under Section 32(a)(2) of the Public Utility Holding Company Act of 1935 (“PUHCA 1935”) and selling electric energy at wholesale. Three Peaks may also provide to the wholesale purchaser of its electric energy, or to other purchasers, other products derived from and/or incidental to the production and wholesale of electric energy from the Facility, such as ancillary

services and environmental attributes associated with the Facility's generation of electric energy (including renewable energy credits), consistent with Commission precedent.<sup>2</sup>

2. The Facility qualifies as an "eligible facility," as that term is defined under Section 32(a)(2) of PUHCA 1935, because it will be used for the generation of electric energy exclusively for sale at wholesale. Three Peaks will not own or operate any transmission facilities other than "interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale" as described in Section 32(a)(2) of PUHCA 1935 and that will serve only to interconnect the Facility with transmission facilities within the PacifiCorp East BAA.

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 as of October 24, 1992. As such, no determination or certification by any state commission, including the determination addressed by Section 32(c) of PUHCA 1935, is necessary prior to Three Peaks obtaining status as an EWG.

4. There will be no lease arrangement through which Three Peaks will lease the eligible facilities to a public utility company or any other party.

5. No portion of the Facility will be owned or operated by an "electric utility company" that is an "affiliate" or an "associate company" of Three Peaks, as those terms are defined in 18 C.F.R. § 366.1.

## **V. SERVICE**

Consistent with the requirements of 18 C.F.R. § 366.7(a), Three Peaks has served a copy of this Notice of Self-Certification of EWG Status upon the Utah Public Service Commission.

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<sup>2</sup> See, e.g., *Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998); *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

## VI. CONCLUSION

Based on the foregoing, Three Peaks satisfies the requirements for “exempt wholesale generator” status under 18 C.F.R. § 366.7(a) and respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Respectfully submitted,

/s/ Michael J. Rustum  
Michael J. Rustum  
Norton Rose Fulbright US LLP  
799 9<sup>th</sup> Street, N.W., Suite 1000  
Washington, D.C. 20001  
Tel: (202) 662-0454  
michael.rustum@nortonrosefulbright.com

*Counsel to Three Peaks Power, LLC*

Dated: November 8, 2016

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document on the following by first class mail:

Utah Public Service Commission  
Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111

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Anna R. Biegelsen  
Norton Rose Fulbright US LLP  
799 9<sup>th</sup> Street, N.W., Suite 1000  
Washington, D.C. 20001

Dated: November 8, 2016