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## II. Description of Applicant and Facility

TCMWD owns and operates an approximately 136 MW nameplate wind powered electric generation facility in Kibby and Skinner Townships in northwestern Franklin County, Maine (the “Kibby Facility”). The Kibby Facilities consist of 44 Vestas V90 wind turbines as well as a 25-mile radial 115 kV generator lead line (the “Maine Wind Line”) that connects the Kibby Facility to the transmission system owned and operated by Central Maine Power Company, which is used solely to deliver the output of the Kibby Facility. TCMWD does not currently provide, and does not anticipate providing, transmission service to unaffiliated third parties over the Maine Wind Line.<sup>4</sup>

TCMWD was granted market-based rate authority on April 16, 2008.<sup>5</sup> TCMWD sells all of its output at wholesale to TransCanada Power Marketing Ltd. (“TCPM”) for resale pursuant to a Power Purchase Agreement. TCMWD is a Delaware corporation with its principal place of business in Westborough, Massachusetts, and is a direct, wholly-owned subsidiary of TC PipeLine USA Ltd.

<sup>4</sup> The Commission has found that the Maine Wind Line is a limited and discrete transmission facility under the Commission’s precedent and has granted TCMWD’s request for a waiver from the requirement to file an Open Access Transmission Tariff (“OATT”) until such time that it receives a valid third party request from transmission service. *See TransCanada Maine Wind Development Inc.*, 136 FERC ¶ 61,138 (2011). In accordance with Order No. 807, the existing OATT waiver has been superseded by the Commission’s blanket OATT waiver. *Open Access and Priority Rights on Interconnection Customer’s Interconnection Facilities*, 150 FERC ¶ 61,211, P 89 (2014), *order denying reh’g*, 153 FERC ¶ 61,047 (2015).

<sup>5</sup> *TransCanada Maine Wind Development Inc.*, Letter Order, Docket No. ER08-685 (issued Apr. 16, 2008).

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

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

1. TCMWD is engaged directly and exclusively in the business of owning or operating, or both owning and operating, the Kibby Facilities and selling electric energy at wholesale. In order to maintain the Kibby Facilities, TCMWD engaged the services of a third-party to provide operation and maintenance ("O&M") services. In connection with its agreement with the O&M provider, TCMWD rents a building at the Kibby Facility to the service provider for \$2,000 per month.<sup>6</sup> The rental revenue represents less than 0.1% of TCMWD's annual revenues. The Commission previously has determined that the collection of rents in analogous circumstances did not violate the exclusivity requirement of EWG status.<sup>7</sup> In addition, the Kibby Facility sells Renewable Energy Credits (RECs). 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.<sup>8</sup>

2. The Kibby Facilities are not located in a foreign country and TCMWD will make no foreign sales of power at retail.

3. The Kibby Facilities are an "eligible facility" within the meaning of 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. Part 366.1, as well as Commission precedent.

4. All of the electric energy generated by the Kibby Facilities is sold directly within the United States exclusively at wholesale; no retail sales of electricity will be made from the

<sup>6</sup> The monthly rent started at \$2,000/month and escalated annually according to an index. In 2016, the rent is \$2,174/month.

<sup>7</sup> See, e.g., *Killingholme Generation Ltd.*, 90 FERC ¶ 61,194, 61,632 (2000) (holding that a generator's collection of *de minimis* rental revenue for training equipment on its property was "incidental to the ownership and/or operation of a generating facility for wholesale sales of electric energy and thus will not violate the exclusivity requirement.").

<sup>8</sup> See, e.g., *UGI Dev. Co.*, 89 FERC ¶ 61,192, 61,588 (1999).

Kibby Facilities. TCPM, the current purchaser of electric energy produced from the Kibby Facilities, resells the power either through wholesale or retail arrangements.

5. Sales of electric energy generated at the Kibby Facilities 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).

6. The Kibby Facilities include only those interconnecting transmission facilities that are necessary to interconnect the Kibby Facilities with the transmission system and to effect sales of electric energy at wholesale.

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

8. No portion of the Kibby Facilities is owned or operated by an electric utility company that is an “affiliate” or “associate company” of TCMWD, 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 Maine Public Utilities Commission.

**V. Conclusion**

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

Respectfully submitted,

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Date: October 28, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 28th day of October, 2016, served the foregoing document upon the Maine Public Utilities Commission.

/s/ William M. Rappolt  
William M. Rappolt

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