

Control Number: 43710



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43710

Pursuant to PUC SUBSTANTIVE RULE § 25.109

# Registration Form for Power Generation Companies and Self-Generators

## Part A – Type of Registration

### 1. Type of registration

Check only one of the following.

- New self-generator registration
- New power generation company registration
- New EWG/PGC
- Amending self-generator registration
- Amending PGC registration

### 2. Amendments

If filing an amendment, check all applicable boxes and fill in only the sections of this form that are applicable to your amendment:

- Name change amendment
- Change in ownership/control
- Registration relinquishment
- Facility/output capacity change
- New generating plant/facility
- Other

RECEIVED  
 2014 NOV -4 AM 9:26  
 PUBLIC UTILITY COMMISSION  
 FINANCE CLERK

Registration number:

Provide an explanation, if necessary:

## Part B - Applicable to Registration of Self-Generators

### 1. Registering Party

Legal name:

Texas business address:

City:	ZIP:	Principal place of business:
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### 2. Contact Information (for all communications)

Name:	Title:	
Address:		
City:	State:	ZIP:
Email:	Phone:	Fax:

**Part C - Applicable to Registration of Power Generation Companies**

**1. Registering Party**

<b>Legal name:</b> Rattlesnake Wind I LLC	<b>Trade/commercial name:</b> Rattlesnake Wind I LLC	
<b>Texas business address:</b> 975 County Road 270		
<b>City:</b> Garden City	<b>ZIP:</b> 79739	<b>Principal place of business:</b> One South Wacker Drive; Suite 1900; Chicago, IL 60606

**2. Contact Information (for all communications)**

<b>Name:</b> David Azari	<b>Title:</b> Asset Manager	
<b>Address:</b> One South Wacker Drive; Suite 1900		
<b>City:</b> Chicago	<b>State:</b> IL	<b>ZIP:</b> 60606
<b>Email:</b> dazari@invenergyllc.com	<b>Phone:</b> 312-224-1400	<b>Fax:</b> 312-506-1455

**3. Names and types of business of the registering party's corporate parent companies with percentages of ownership**

<b>Name (press Enter Key for multiple entries)</b>	<b>Types of business</b>	<b>% of ownership</b>
Rattlesnake Wind I Holdings LLC	Holding company for Rattlesnake Wind I LLC; Rattlesnake Wind I LLC will generate electricity from wind turbine generators.	100

**4. Description of the types of services provided by the registering party that pertain to the generation of electricity**

Will generate electricity from wind turbine generators

**5. Name and corporate relationship of each affiliate that buys and sells electricity at wholesale in Texas, sells electricity at retail in Texas, or is an electric or municipally owned utility in Texas**

<b>Name (press Enter Key for multiple entries)</b>	<b>Corporate relationship</b>
Scurry County Wind LP (sells wholesale)	Affiliate
Scurry County Wind II LLC (sells wholesale)	Affiliate
Stanton Wind Energy LLC (sells wholesale)	Affiliate
McAdoo Wind Energy LLC (sells wholesale)	Affiliate
Turkey Track Wind Energy LLC (sells wholesale)	Affiliate
Goldthwaite Wind Energy LLC (sells wholesale)	Affiliate
Miami Wind I, LLC (sells wholesale)	Affiliate
Ector County Energy Center LLC(sells wholesale)	Affiliate

**6. If applicable, attach to this form any Supplemental Information, as described in the Instructions, labeled "Attachment B8"**

**Part D – Applicable to all Registering Parties**

**AFFIDAVIT**

*(Must be notarized by a public notary in and for the State of Texas)*

STATE OF TEXAS                    §  
COUNTY OF                        §

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned, who, after being duly sworn, stated on his or her oath that he or she is entitled to make this Affidavit, and that the statements contained below and in the foregoing are true and correct.

Check one of the following boxes:

- I am an authorized representative of the registering party, which is a **self-generator**.
- I am an authorized representative of the registering party, which is a **power generation company** and swear that the company:
  - (A) Generates electricity that is intended to be sold at wholesale;
  - (B) Does not own a transmission or distribution facility in this state other than an essential interconnecting facility, a facility not dedicated to public use, or a facility otherwise excluded from the definition of "electric utility" under PUC SUBSTANTIVE RULE 25.5; and
  - (C) Does not have a certificated service area.

I swear or affirm that I have personal knowledge of the facts stated in the attached registration, that I am competent to testify to them, and that I have the authority to submit this registration form on behalf of the registering party. I further swear or affirm that all statements made in the registration form are true, correct and complete and that any substantial changes in such information will be provided to the Public Utility Commission of Texas in a timely manner. I swear or affirm that the registering party understands and will comply with all requirements of the applicable law and rules.

*Bryan Schueler*  
\_\_\_\_\_  
Signature of Authorized Representative



**Bryan Schueler**      Printed Name  
Vice President

*Rattlesnake Wind LLC*  
\_\_\_\_\_  
Name of Registering Party

Sworn and subscribed before me this 30 day of October, 2014  
Month      Year



*Dina O. Wagner*  
\_\_\_\_\_  
Notary Public in and for the State of ~~Texas~~  
Illinois

**Part E – Applicable to all Registering Parties**

Provide information for each generating facility. If more room is needed to list all generating facilities, attach additional copies of Part E.

Generating facility name	Electric storage facility	Physical address of facility	County of facility	Interconnecting TSP	Power region	Total capacity (MW)	Type of generation*
Rattlesnake Wind I LLC	<input type="checkbox"/>	975 County Road 2570 Garden City, Texas 79739	Glasscock	WETT	ERCOT	207.245	Wind
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						
	<input type="checkbox"/>						

\*i.e., biomass, wind, geothermal, fossil fuels, solar, hydro, nuclear, landfill gas

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

\_\_\_\_\_  
Rattlesnake Wind I LLC  
\_\_\_\_\_

)  
) Docket No. EG14-\_\_-000  
)

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

Pursuant to Section 366.7(a) of the Federal Energy Regulatory Commission's (the "Commission") rules<sup>1</sup> implementing the Public Utility Holding Company Act of 2005 ("PUHCA 2005"), enacted by the Energy Policy Act of 2005 §§ 1261 *et seq.*,<sup>2</sup> Rattlesnake Wind I LLC ("Rattlesnake") hereby submits this notice of self-certification that it is an exempt wholesale generator ("EWG") as defined in Section 366.1 of the Commission's rules.<sup>3</sup>

**I. CORRESPONDENCE AND COMMUNICATIONS**

All communications and correspondence regarding this notice should be sent to the following persons who are authorized to receive service:

Laura V. Szabo  
Crowell & Moring LLP  
590 Madison Ave.  
20<sup>th</sup> Floor  
New York, NY 10022-2524  
Phone: (212) 895-4271  
Fax: (212) 223-4134  
Lszabo@crowell.com

Joseph Condo  
General Counsel Invenergy LLC  
One South Wacker Drive  
Suite 1900  
Chicago, IL 60606  
Phone: 312-582-1465  
jcondo@invenergyllc.com

<sup>1</sup> 18 C.F.R. § 366.7(a).

<sup>2</sup> Pub. L. No. 109-58, 119 Stat. 594 (2005).

<sup>3</sup> 18 C.F.R. § 366.1.

## II. DESCRIPTION OF RATTLESNAKE

### A. Rattlesnake's Ownership Structure

Rattlesnake is a Delaware limited liability company. It is an indirect subsidiary of Invenergy Investment Company LLC ("Invenergy Investment"), a Delaware limited liability company, which is in the business of developing or acquiring, through subsidiaries, electric generation facilities and related interconnection facilities.<sup>4</sup>

### B. Rattlesnake's Proposed Activities

#### 1. The Rattlesnake Project and Power Sales

Rattlesnake is developing and will construct, own and operate an approximately 207.245 MW natural wind-powered electric generation project that will be located in Glasscock County, Texas (the "Rattlesnake Project"). The Rattlesnake Project plans to begin generating electricity in the future. Rattlesnake will sell electric energy and capacity produced from the Rattlesnake Project exclusively at wholesale.<sup>5</sup>

The Rattlesnake Project will be comprised of wind turbines and associated facilities and equipment necessary for the generation of power at wholesale. The Rattlesnake Project will also include radial electric interconnection facilities necessary to effectuate Rattlesnake's wholesale power sales from the Rattlesnake Project.<sup>6</sup> The Rattlesnake Project will interconnect to the transmission

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<sup>4</sup> Rattlesnake is currently an indirect partially-owned subsidiary of Invenergy Investment.

<sup>5</sup> Such sales will be made to third-parties through bilateral agreements or through a power exchange. The Commission has determined that sales through a power exchange are considered wholesale sales for EWG purposes. *See Southern California Edison Co.*, 80 FERC ¶ 61,262 (1997). Rattlesnake may also purchase power and resell it at wholesale to third parties. An EWG is permitted to resell at wholesale power that it has not generated. *See CNG Power Services Corp.*, 71 FERC ¶ 61,378 (1995).

<sup>6</sup> Rattlesnake may occasionally obtain from third-parties back-up power that Rattlesnake may need for station power to operate its Rattlesnake Project when Rattlesnake is not self-supplying its station power load. Such back-up or station power would be delivered to the Rattlesnake Project over the interconnection facilities that Rattlesnake will own. EWGs may use their interconnection facilities to transmit back-up power to their generation facilities. *See*

system owned by Wind Energy Transmission Texas, LLC (“WETT”). The Rattlesnake Project, including the interconnection facilities, will be located on land that Rattlesnake owns or that is owned by third-parties but which Rattlesnake has rights to use pursuant to easements or other land use arrangements entered into with such third-parties.

## 2. Rattlesnake’s Other Potential Incidental Activities

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

- sell ancillary services available from the Rattlesnake Project which are incidental to, and by-products of, the Rattlesnake Project’s operations as a wholesale power generator;<sup>7</sup>
- reassign excess transmission capacity consistent with the Commission’s requirement that such reassignment of excess transmission capacity be limited to transmission capacity Rattlesnake originally obtained for the purpose of affecting a specific wholesale sale of electric energy;<sup>8</sup>
- purchase and sell congestion revenue rights that Rattlesnake needs for the Rattlesnake Project’s power sale operations;<sup>9</sup>
- 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 Rattlesnake to operate the Rattlesnake Project;<sup>10</sup>
- 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 Rattlesnake Project;<sup>11</sup>

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*Zond Systems, Inc.*, 81 FERC ¶61,001 (1997).

<sup>7</sup> The ancillary services Rattlesnake may sell would include reactive power and voltage support, regulation and frequency response services, load following, energy balancing services, spinning and supplemental reserves, blackstart capability, and any 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).

<sup>8</sup> *See CNG Power Services Corp.*, 71 FERC ¶ 61,026, at 61,103-04 (1995).

<sup>9</sup> *See Duquesne Power, LP*, 106 FERC ¶ 61,104 (2004).

<sup>10</sup> *See Sellkirk Cogen Partners, L.P.*, 69 FERC ¶ 61,037 at 61,168-69 (1994).



- 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 Rattlesnake Project;<sup>12</sup>
- lease or rent property to third parties but to the extent a lease arrangement is not reasonably necessary to Rattlesnake's generation business and a rental fee is received above a nominal amount, Rattlesnake will, consistent with EWG precedent, donate or transfer such rental revenues to a non-affiliated entity;<sup>13</sup>
- engage in project development activities associated with the Rattlesnake Project. 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 Rattlesnake Project and/or additional electric generation facilities that satisfy the criteria for EWG status;<sup>14</sup> and
- engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

### III. RATTLESNAKE'S REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

Rattlesnake 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.

A. Rattlesnake will be engaged directly and exclusively in the business of owning and operating all or part of one or more Eligible Facilities<sup>15</sup> and selling electric energy at

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<sup>11</sup> See *UGI Development Co.*, 89 FERC ¶ 61,192 (1999).

<sup>12</sup> See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

<sup>13</sup> See, e.g., *Duke Energy Hot Spring, LLC*, 98 FERC ¶61,287 (2002); *PSEG Fossil, LLC, et al.*, 95 FERC ¶ 61,405 (2001).

<sup>14</sup> See, e.g., *Empresa Valley Hermoso, S.A.*, 72 FERC ¶ 61,306 at 62,288 (1995). Rattlesnake 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 not described herein or EWGs.

<sup>15</sup> Section 366.1 of the Commission's regulation adopts by reference Section 32(a)(2) of the Public Utility Holding Company Act of 1935 ("PUHCA 1935"), 15 U.S.C. § 79z-5a(a)(2), which defines the term eligible wholesale

wholesale. The Rattlesnake Project, including the interconnection facilities described in Section II.B.1 above, satisfy the definition of Eligible Facilities because they will be used for the generation of electric energy exclusively for sale at wholesale. Consistent with the Commission's EWG precedent, the activities described in Section II.B.2 above that Rattlesnake may engage in will be incidental to the wholesale generation business and will not violate the EWG exclusivity requirement.

B. Rattlesnake will not make any foreign sales of power at retail.

C. Through the interconnection facilities described in Section II.B.1 above, the Rattlesnake Project will be interconnected with transmission facilities owned by WETT. Rattlesnake will own interconnection facilities that will be necessary to effectuate the Rattlesnake Project's wholesale power sales.

D. No rate or charge for, or in connection with, the construction of the Rattlesnake Project or for electric energy produced by the Rattlesnake Project 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 the Public Utility Holding Company Act of 1935 are required.

E. Except for other EWGs, no portion of the Rattlesnake Project will be owned or operated by an Electric Utility Company that is an Affiliate or Associate Company<sup>16</sup> of Rattlesnake.<sup>17</sup>

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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.

<sup>16</sup> The terms "Electric Utility Company," "Affiliate" and "Associate Company" have the meanings ascribed to them in Section 366.1 of the Commission's regulations.

<sup>17</sup> See *Buffalo Gap 2*, *supra*, at P 13 (interpreting Section 32(d)(1) of PUHCA 1935, incorporated into the definition of "exempt wholesale generator" in Section 366.1 of the Commission's regulations, "as not precluding co-ownership

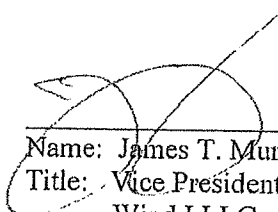
In accordance with Section 366.7(a) of the Commission's regulations,<sup>18</sup> a copy of this notice of self-certification was concurrently served upon the Public Utility Commission of Texas.

#### IV. CONCLUSION

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

Dated: September 22, 2014

Respectfully submitted,

  
\_\_\_\_\_  
Name: James T. Murphy  
Title: Vice President of Rattlesnake  
Wind I LLC



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(or joint operation) by affiliated EWGs".)

<sup>18</sup> 18 C.F.R. §366.7(a).

**CERTIFICATE OF SERVICE**

I hereby certify that Rattlesnake Wind I LLC's foregoing Notice of Self-Certification of Exempt Wholesale Generator Status was served this 22<sup>nd</sup> day of September, 2014, by first-class mail, postage prepaid, upon the following:

Public Utility Commission of Texas  
Empire State Plaza  
N. Congress Ave.  
P.O. Box 13326  
Austin, TX 78711-3326

Laura V. Szabo/jlc  
Laura V. Szabo