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**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**

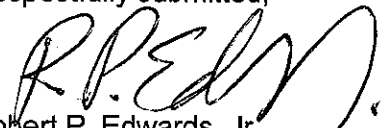
December 3, 2018

Executive Director
South Dakota Public Utilities Commission
Capitol Building, 1st Floor
500 E. Capitol Avenue
Pierre, South Dakota
57501-5070

Dear Sir or Madam :

Enclosed for the files of the Commission is a service copy of the notice of self-certification as an Exempt Wholesale Generator filed today by Crocker Wind Farm, LLC in Federal Energy Regulatory Commission Docket No. EG19-29-000.

Respectfully submitted,


Robert P. Edwards, Jr.
Counsel for Crocker Wind Farm, LLC

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

Crocker Wind Farm, LLC

)

Docket No. EG19-__-000

**NOTICE OF SELF-CERTIFICATION OF
EXEMPT WHOLESALE GENERATOR STATUS OF
CROCKER WIND FARM, LLC**

Pursuant to the Public Utility Holding Company Act of 2005¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission ("Commission"), 18 C.F.R. § 366.7, Crocker Wind Farm, LLC, a South Dakota limited liability company ("Applicant"), 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. In support of this Notice, Applicant hereby states as follows:

I. Principal Office of Applicant

The principal office of Applicant is set forth below:

7650 Edinborough Way, Suite 725
Edina, MN 55435

II. Communications

All communications regarding this Application should be provided to:

Troutman Sanders LLP
c/o Robert P. Edwards, Jr.*
600 Peachtree St. NE, Suite 3000
Atlanta, GA 30308
bob.edwards@troutman.com

*Persons denoted by an asterisk are those designated for service in the above-captioned docket.

¹ Pub. L. No. 109-58, §§ 1261-77, 119 Stat. 594, 972-78 (2005).

III. Description of Applicant's Facility

Applicant is a South Dakota limited liability company with a principal place of business at 7650 Edinborough Way, Suite 725, Edina, Minnesota 55435. Applicant is an indirect wholly-owned subsidiary of Geronimo Renewable Infrastructure Partners, L.P., which is a public utility holding company solely as a result of its ownership of subsidiaries owning and operating EWGs and Qualifying Facilities and thereby qualifies for the exemption from the Commission's books and records requirements pursuant to 18 C.F.R. § 366.3.

Applicant is developing and will own and operate a 200 MW wind power project in Clark County, South Dakota ("Facility"). Applicant anticipates that the Facility will generate test power in the fourth quarter of 2019 and commence commercial operation shortly thereafter. Pursuant to a Large Generator Interconnection Agreement with the Western Area Power Administration of the United States Department of Energy ("WAPA"), the Facility will interconnect with transmission facilities of Basin Electric Cooperative, an electric cooperative incorporated under the laws of the North Dakota, that are part of the Southwest Power Pool, Inc. ("SPP")/WAPA transmission line portfolio. Applicant will secure transmission service through SPP or the Midcontinent Independent System Operator, Inc., a Regional Transmission Organization. Applicant will sell the Facility's entire output for resale pursuant to contracts with one or more counterparties and the protocols of those wholesale energy and capacity markets or successor wholesale markets. Applicant will make a timely application to the Commission for authorization to make wholesale sales of energy, capacity, and ancillary services at market-based rates from the Facility.

In connection with operating the Facility, Applicant also may engage in certain activities that the Commission has found to be permissible EWG activities, including but not limited to the following:

- Lease or rent property to third parties, but to the extent a lease arrangement is not reasonably necessary to the Applicant's business and a rental fee is received above a nominal amount, Applicant will, consistent with EWG precedent, donate or transfer such rental revenues to a non-affiliated entity.²
- 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.³
- 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.⁴
- Engage in project development activities associated with the Facility.⁵
- Engage in other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

IV. Representations

Pursuant to Sections 366.1 and 366.7 of the Commission's regulations,⁶ Applicant makes the following representations to certify that it satisfies the requirements for EWG status:

1. Applicant is a South Dakota limited liability company that will own and operate the Facility.
2. Applicant is engaged directly and exclusively in the business of operating all or part of one or more eligible facilities and selling electric energy at wholesale.
3. 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. The

² See, e.g., *Duke Energy Hot Spring, LLC*, 98 FERC ¶ 61,287 (2002); *PSEG Fossil, LLC, et al.*, 95 FERC ¶ 61,405 (2001).

³ See *UGI Development Co.*, 89 FERC ¶ 61,192 (1999).

⁴ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

⁵ See, e.g., *Empresa Valley Hermoso, S.A.*, 72 FERC ¶ 61,306 at 62,288 (1995). Applicant 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.

⁶ 18 C.F.R. §§ 366.1, 366.7.

associated activities described in Part III above are incidental to the wholesale generation business and will not violate the EWG exclusivity requirement.

4. Applicant will not make foreign retail sales of electric energy.

5. The Facility will satisfy the definition of an "Eligible Facility" 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 is (i) used for the generation of electric energy exclusively for sale at wholesale and (ii) include only those interconnecting transmission facilities that are necessary to effect sales of electric energy at wholesale.

6. 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 any state commission is necessary prior to certification of the Facility as an EWG.

7. No portion of the Facility will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Applicant, as such terms are defined in Section 366.1 of the Commission's regulations.

8. A copy of this notice has been filed with the Public Utilities Commission of the State of South Dakota as required by Section 366.7(a) of the Commission's regulations, as verified by the Certificate of Service attached hereto.

CERTIFICATE OF SERVICE

I, Robert P. Edwards, Jr. hereby certify that I have this day caused the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Crocker Wind Farm, LLC to be served by first-class mail upon the Public Utilities Commission of the State of South Dakota.

Dated at Atlanta, GA this 3rd day of December, 2018.

Respectfully Submitted,

/s/ Robert P. Edwards, Jr.
Robert P. Edwards, Jr.
Troutman Sanders LLP