

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

Campbell County Wind Farm, LLC)

Docket No. EG16-__-000

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)¹ and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. § 366.7, Campbell County Wind Farm, LLC (“Applicant”) hereby submits this Notice of Self-Certification as an Exempt Wholesale Generator (“EWG”) (“Notice”), as defined in Section 366.1 of the Commission’s regulations.²

I. COMMUNICATIONS

Communications with regard to this Notice should be addressed to:

James J. Dixon
Vice President; Legal & Compliance Services
Consolidated Edison Development, Inc.
100 Summit Lake Drive, Suite 410
Valhalla, NY 10595
Tel. (914) 286-7085
dixonj@conedenergy.com

Amie V. Colby
Troutman Sanders LLP
401 9th St., NW Suite 1000
Washington, DC 20004
Tel. (202) 274-2922
amie.colby@troutmansanders.com

II. DESCRIPTION OF APPLICANT

Applicant is a Delaware limited liability company that will own and operate a 98 MW wind energy project located in Campbell County, South Dakota near the town of Pollock, South Dakota (“Campbell County Facility”). Applicant is a wholly-owned subsidiary of CED

¹ Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 8, 2005).

² 18 C.F.R. § 366.1 (2015).

Campbell County Wind Farm Holdings, LLC, which is a wholly-owned subsidiary of Consolidated Edison Development, Inc. (“ConEdison Development”), which is a wholly-owned subsidiary of Consolidated Edison, Inc. (“CEI”), the ultimate upstream owner of Applicant. The Campbell County Facility will be interconnected to transmission facilities owned by the Western Area Power Administration (“Western”). Applicant will sell all of the electrical output of its facility to Basin Electric Power Cooperative (“Basin”) pursuant to a 30-year fixed-price long-term power purchase agreement (“PPA”) for 100 percent of the Campbell County Facility output of energy.³

III. REPRESENTATIONS REGARDING EWG STATUS

Applicant makes the following representations in order to demonstrate that it is an EWG under Section 366.1 of the Commission’s regulations.

1. Applicant is exclusively engaged in the business of owning and/or operating the Campbell County Facility and selling electric energy exclusively at wholesale, except to the extent that it may engage in certain activities which the Commission has previously determined are incidental to the wholesale sale of electric energy.
2. The Campbell County Facility is an “eligible facility” as defined in Section 32(a) (2) of the Public Utility Holding Company Act of 1935, which is incorporated by reference in Section 1262(6) of PUHCA 2005,⁴ and Section 366.1 of the Commission’s regulations.⁵ The Campbell County Facility does not include any transmission or distribution facilities other than those interconnecting transmission facilities necessary to interconnect the

³ Applicant was granted market-based rate authority for the Campbell County Facility. *Campbell County Wind Farm, LLC*, Letter Order, Docket No. ER15-2653-000 (Oct. 21, 2015).

⁴ 42 U.S.C. § 16451(6) (2006).

⁵ 18 C.F.R. § 366.1.

Campbell County Facility to the transmission grid and to permit the sale of the output of the Campbell County Facility at wholesale.

3. Applicant is not currently engaged, and has no present plans to engage, in foreign or domestic sales of electricity at retail.
4. All of the electric energy generated by the Campbell County Facility will be sold exclusively at wholesale within the United States under Power Purchase Agreements and in Commission- jurisdictional wholesale markets.
5. No portion of the Campbell County Facility is, or will be, owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Applicant.⁶
6. There are, and will be, no lease arrangements involving the Campbell County Facility under which Applicant is the lessor.
7. No rate or charge for, and in connection with, the Campbell County 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 is necessary prior to certification of Applicant as an EWG.
8. Applicant has on this day mailed a copy of this Notice of Self-Certification to the South Dakota Public Utilities Commission, which is the state regulatory authority of the state in which the Campbell County Facility is located.
9. Pursuant to Section 366.7 of the Commission’s regulations, attached to this filing as Attachment A is a signed subscription certification by a representative legally authorized to bind Applicant, attesting to the facts and representations in this Notice, which demonstrate eligibility for EWG status.

⁶ *Id.*

10. Applicant also may engage in the following incidental activities that the Commission has found to be permissible for EWGs: (1) the sale of “green” power certificates or credits associated with power produced by the Campbell County Facility;⁷ (2) wholesale marketing and brokering of power produced by the Campbell County Facility and by other facilities;⁸ (3) selling ancillary services from the Campbell County Facility;⁹ (4) reselling or reassigning excess transmission capacity consistent with the Commission’s requirement that such reassignment of excess transmission capacity be limited to transmission capacity that Applicant originally obtained for the purpose of affecting a specific wholesale sale of electric energy;¹⁰ (5) purchasing and selling transmission congestion contracts, financial transmission rights or similar instruments that Applicant needs for the Campbell County Facility’s wholesale power sales operation;¹¹ (6) engage in certain project development and financing activities necessary for operation of the Campbell County Facility;¹² (7) enter into agreements relating to shared facilities used for operation of the Campbell County Facility;¹³ and (8) engaging in other incidental activities that are consistent with the Commission’s EWG precedent.

⁷ See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

⁸ See *Southern Energy Mktg., Inc.*, 71 FERC ¶ 61,376 at 62,469 (1995).

⁹ See *Sithe Framingham LLC*, 83 FERC ¶ 61,106 at 61,504 n. 8 (1998).

¹⁰ See *CNG Power Servs. Corp.*, 71 FERC ¶ 61,026 at 61,104 (1995).

¹¹ See *Duquesne Power, L.P.*, 106 FERC ¶ 61,104 at P 7 (2004).

¹² See *AEP Res. Project Mgmt. Co.*, 74 FERC ¶ 61,202 at 61,674-75 & n.4 (1996).

¹³ See *Buffalo Wind Gap Farm 2, LLC*, 118 FERC ¶ 61,069 at PP 2, 14 n.3 (2007).

ATTACHMENT A

**UNITED STATES OF AMERICA
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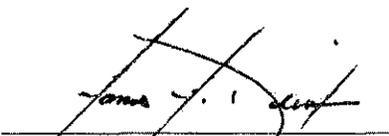
Campbell County Wind Farm, LLC)

Docket No. EG16-___-000

CERTIFICATION

I, the undersigned, and as an officer of Campbell County Wind Farm, LLC, certify that I have read the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status being filed by Campbell County Wind Farm, LLC for a determination of exempt wholesale generator status and know the contents thereof; and the facts and representations set forth in the attached certification of exempt wholesale generator status are true and correct to the best of my knowledge, information and belief. I possess the full power and authority to sign this filing.

Dated: November 2, 2015



James J. Dixon
Vice President; Legal Services

