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SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Beethoven Wind, LLC

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Docket No. EG15-__-000

NOTICE OF SELF-CERTIFICATION OF
BEETHOVEN WIND, LLC
AS AN EXEMPT WHOLESALE GENERATOR

Pursuant to Section 1266 of the Public Utility Holding Company Act of 2005¹ and Section 366.7² of the regulations of the Federal Energy Regulatory Commission (“Commission”), Beethoven Wind, LLC (“Beethoven”) submits this notice of self-certification (“Notice”) of its status as an exempt wholesale generator (“EWG”), as defined by Section 366.1 of the Commission’s regulations.³

I. COMMUNICATIONS

Beethoven requests that all communications regarding this Notice be provided to the following:

Florian Zerhusen
BayWa r.e. Wind, LLC
4635 Executive Drive
Suite 1470
San Diego, CA 92121
(858) 450-6800
(858) 450-6801 (fax)
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¹ Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594 (2005).

² 18 C.F.R. 366.7 (2014).

³ 18 C.F.R. 366.1 (2014).

II. DESCRIPTION OF BEETHOVEN

Beethoven is a limited liability company organized under the laws of the State of Delaware, with its principal place of business in San Diego, California. Beethoven was formed for the purpose of constructing, owning and operating a wind-powered electric generation facility located in Bon Homme, Hutchison and Charles Mix Counties, South Dakota. Beethoven is a wholly owned subsidiary of BayWa r.e. Wind, LLC ("BayWa Wind").

The facility is currently under construction, and Beethoven expects to begin generating and selling test energy from it as early as February 27, 2015. When completed, the facility will consist of 43 turbines with an aggregate nameplate capacity of approximately 79.55 MW, along with related facilities necessary to interconnect the facility to transmission facilities owned by NorthWestern Corporation and operated by the Western Area Power Administration. All of the output will be sold exclusively at wholesale.

In connection with operating the facility, Beethoven may also engage in the following incidental activities that the Commission has found permissible EWG activities:

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

- Sale of “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 wind power produced by the facility. *See Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).
- Other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission’s EWG precedent.

BayWa Wind develops, constructs, operates and manages renewable energy projects throughout the United States. BayWa Wind is owned by BayWa r.e. USA, LLC, a Delaware limited liability company (“BayWa USA”) and by Florian Zerhusen, the President and CEO of BayWa Wind. BayWa USA is a wholly owned subsidiary of BayWa r.e. renewable energy GmbH, a company organized under the laws of Germany (“BayWa GmbH”). BayWa GmbH, in turn, is a wholly owned subsidiary of BayWa AG, also a company organized under the laws of Germany.

III. SELF-CERTIFICATION OF EWG STATUS

In accordance with the Commission’s regulations, Beethoven makes the following representations demonstrating that it meets the definition of an EWG within the meaning of Section 1262(6) of PUHCA 2005 and 18 C.F.R. § 366.1:

1. Beethoven will be engaged directly and exclusively in the business of owning or operating, or both owning and operating, the facility and selling electric energy at wholesale. Consistent with the Commission’s EWG precedent, the associated activities described above are incidental to the wholesale generation business and will not violate the EWG exclusivity requirement.

V. CONCLUSION

Based on the foregoing, Beethoven Wind, LLC 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.

Respectfully submitted,

/s/ Kimberly B. Frank
Kimberly B. Frank
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Counsel for Beethoven Wind, LLC

February 24, 2015

CERTIFICATE OF SERVICE

In accordance with Rule 2010 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010) and Section 366.7 of its regulations, I hereby certify that I have this day served the foregoing document on the following:

South Dakota Public Utilities Commission
Capitol Building, 1st floor
500 E. Capitol Ave.
Pierre, SD 57501-5070

Dated at Washington, D.C. this 24th day of February, 2015.

/s/ Jeffrey K. Janicke
Jeffrey K. Janicke
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