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Acceptance for Filing

The FERC Office of the Secretary has accepted the following electronic submission for filing (Acceptance for filing does not constitute approval of any application or self-certifying notice):

-Accession No.: 202003165047
-Docket(s) No.: EG20-100-000
-Filed By: Triple H Wind Project, LLC
-Signed By: Catherine McCarthy, Josh Robichaud
-Filing Type: Exempt Wholesale Generator Request
-Filing Desc: Notice of Self-Certification of Exempt Wholesale Generator Status of Triple H Wind Project, LLC under EG20-100.
-Submission Date/Time: 3/16/2020 11:54:43 AM
-Filed Date: 3/16/2020 11:54:43 AM

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

Triple H Wind Project, LLC

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Docket No. EG20-____-000

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”),¹ as enacted in the Energy Policy Act of 2005² and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 18 C.F.R. § 366.7, Triple H Wind Project, LLC (“Triple H”) 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, 18 C.F.R. § 366.1.

I. COMMUNICATIONS

Please direct all correspondence and communications regarding this Notice to the individuals indicated below:

Catherine P. McCarthy
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¹ 42 U.S.C. §§ 16451 *et seq.* (2018).

² Pub. L. No. 109-58, 119 Stat. 594 (2005).

Triple H Wind requests that the foregoing persons be placed on the official service list for this proceeding and respectfully requests waiver of Rule 203(b)(3) of the Commission's regulations, 18 C.F.R. § 385.203(b)(3), in order to permit designation of more than two persons for service in this proceeding.

II. PRINCIPAL PLACE OF BUSINESS

Triple H Wind's principal office is:

Triple H Wind Project, LLC
c/o ENGIE North America Inc.
1360 Post Oak Blvd, Ste. 400
Houston, TX 77056

I. DESCRIPTION OF THE APPLICANT AND THE FACILITY

Triple H Wind is a Delaware limited liability company that has been formed for the purpose of developing, owning and operating the Triple H Wind Project, a 250.2 MW wind generation facility and associated interconnection facilities being constructed in Hyde County, South Dakota (the "Eligible Facility"). The Eligible Facility is under construction and has an expected in-service date of December 2020. The Eligible Facility is interconnected with the electric transmission system of Basin Electric Power Cooperative within the Southwest Power Pool ("SPP") balancing authority area, pursuant to a standard form SPP Generator Interconnection Agreement.³

Triple H Wind is an indirect subsidiary of ENGIE Renewables NA LLC. ENGIE Renewables NA LLC is a direct subsidiary of ENGIE North America Inc. ENGIE North America Inc. is a direct subsidiary of ENGIE Holdings Inc., which is a direct subsidiary of ENGIE Énergie Services

³ See "Generator Interconnection Agreement (GIA) entered into by the Southwest Power Pool Inc., Basin [sic] Electric Power Cooperative and Triple H Wind Project, LLC entered into on February 22, 2019 (GEN-2016-017 IFS-2016-001-08)."

International S.A., which in turn is a direct subsidiary of ENGIE S.A. (“ENGIE”). ENGIE is a French *société anonyme* listed on the Brussels and Paris stock exchanges. Among other things, ENGIE holds ownership interests in a number of energy-related subsidiaries which, internationally, engage in: the production, transmission, and distribution of electricity; power marketing; production, transportation and distribution of natural gas; the transport and distribution of liquefied natural gas; and the development and ownership of energy projects. ENGIE’s energy-related subsidiaries operate in Europe, North America, South America, Africa, Asia, Australia, and the Middle East.

Once operational, Triple H Wind will sell the electrical output of the Eligible Facility exclusively at wholesale into the markets administered by SPP. Triple H Wind’s sole business is owning and operating the Eligible Facility.

II. REPRESENTATIONS

Pursuant to Section 366.1 of the Commission’s regulations, Triple H Wind makes the following representations in support of its notice of self-certification of EWG status:

1. Triple H Wind represents that it will be engaged directly, and exclusively, in the business of owning and having operational control of the Eligible Facility and selling, at wholesale, electric energy and other power services the Eligible Facility is capable of producing.⁴
2. The Triple H Wind facility is an “eligible facility” as that term is defined in Section 32(a)(2) of PUHCA 2005, which is incorporated by reference into Section 366.1 of FERC’s regulations.

⁴ Triple H Wind may engage in the sale of ancillary services as a by-product that is incidental to the wholesale electric energy sales from the Eligible Facility, as permitted by the Commission. *See, e.g., DTE Pontiac N. LLC*, 121 FERC ¶ 61,037 (2007); *see also, Sithe Framingham, LLC, et al.*, 83 FERC ¶ 61,106 (1998).

3. All of the electric energy generation from the Eligible Facility will be sold within the United States exclusively at wholesale. Triple H Wind will not make domestic or foreign sales at retail.
4. No rate or charge for, in connection with, the construction of the Eligible Facility, or for electric energy produced by the Eligible Facility, was in effect under the laws of the State of South Dakota, or any other State, on October 24, 1992. Therefore, no determinations are required to be made by any state commission prior to this self-certification of exempt wholesale generator status becoming effective.
5. The Eligible Facility does not include transmission or distribution facilities other than those interconnection facilities necessary to permit the Eligible Facility to connect to the existing transmission grid.
6. Triple H Wind does not own or operate any portion of a facility that is partially owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of Triple H Wind, as those terms are defined in Section 366.1 of FERC's regulations, 18 C.F.R. § 366.1.
7. There are no leasing arrangements involving the Eligible Facility, including no leasing arrangements of any kind involving a public-utility company or an affiliate or associate company of a public-utility company.
8. Sales of electric energy generated and other power services the Eligible Facility is capable of producing will be consistent with the instant self-certification of EWG status sought by Triple H Wind.

9. Triple H Wind will not sell electric capacity or energy to an affiliated electric utility company.
10. Triple H Wind may engage in activities the Commission has previously determined to be “incidental” to an EWG’s primary business of owning and operating eligible facilities and selling electric energy exclusively at wholesale, including, but not necessarily limited to:
 - a. wholesale marketing and brokering of electric energy that Triple H Wind has not generated;⁵
 - b. selling or reselling ancillary services and interconnected operations services at wholesale, such as operating reserves (spinning and supplemental reserves), reactive supply and voltage control, regulation and frequency response, energy imbalance, real power loss service, backup supply service, and restoration service, consistent with Commission precedent construing the exclusivity requirements of Section 32 of PUHCA;⁶
 - c. the sale of the byproducts of the generation of electric energy;⁷
 - d. delivering fuel to third parties to generate electric power to be delivered by that third party to Triple H Wind for sale at wholesale;⁸
 - e. entering into contracts for transmission capacity solely to the extent necessary to effect sales at wholesale of electricity generated by Triple H Wind or others;⁹

⁵ See, e.g., *Entergy Power Mktg. Corp.*, 73 FERC ¶ 61,063 (1995); *LG&E Power Mktg., Inc.*, 67 FERC ¶ 61,083 (1994).

⁶ See, e.g., *Duke Energy Oakland LLC*, 83 FERC ¶ 61,304 (1998); *Sithe Framingham, LLC, et al.*, 83 FERC ¶ 61,106 (1998).

⁷ See *Richmond Power Enter., L.P. et al.*, 62 FERC ¶ 61,157 (1993).

⁸ See *CNG Power Serv. Corp.*, 71 FERC ¶ 61,378 (1995); *Southern Energy Mktg., Inc.*, 71 FERC ¶ 61,376 (1995).

⁹ See *CNG Power Serv. Corp.*, 71 FERC ¶ 61,026, at pp. 61,103-104 (1995).

- f. reselling or reassigning excess transmission capacity originally obtained to effect a wholesale sale of electric energy;¹⁰
- g. the purchase and sale of congestion revenue rights that Triple H Wind needs for the Eligible Facility's power sale operations;¹¹
- h. entering into financial contracts, consistent with FERC EWG precedent;¹²
- i. trading environmental attributes associated with the normal operations of the Eligible Facility;¹³
- j. sales of spare parts and/or equipment originally acquired in connection with the ownership and operation of the Eligible Facility when such spare parts and/or equipment have become excess to Triple H Wind's needs;¹⁴
- k. engaging in development activities, such as developing and constructing additional generating facilities;¹⁵
- l. entering into agreements relating to facilities to be shared with other entities and used in the operation of eligible facilities, as consistent with FERC EWG precedent;¹⁶ and
- m. such other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission's EWG precedent.

¹⁰ See e.g., *id.*; *Compañía Hidroeléctrica Doña Julia S. De R.L.*, 85 FERC ¶ 61,336 (1998).

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

¹² See *Sithe/Independence Power Partners, L.P.*, 101 FERC ¶ 61,287 (2002).

¹³ See *UGI Dev. Co.*, 89 FERC ¶ 61,192 (1999).

¹⁴ See e.g., *Blue Spruce Energy Ctr., LLC*, 105 FERC ¶ 61,059 (2003).

¹⁵ See, e.g., *Empresa Valle Hermoso, S.A.*, 72 FERC ¶ 61,306 at p. 62,288 (1995).

¹⁶ See *Hardee Power Partners, Ltd.*, 104 FERC ¶ 61,327 at P 11 (2003).

11. Triple H Wind will notify the Commission of any material change in facts that may affect its eligibility for EWG status in accordance with the procedures set forth in 18 C.F.R. § 366.7(c).

III. SERVICE

A copy of this Notice has been mailed, on this day, to the South Dakota Public Utilities Commission, the state regulatory authority in the state in which the Eligible Facility is located.

IV. CONCLUSION

For the foregoing reasons, Triple H Wind respectfully requests that the Commission accept this Notice of Self-Certification as an Exempt Wholesale Generator.

Respectfully submitted,

/s/ Jane A. Pearson

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Counsel for Triple H Wind Project, LLC

Dated: March 16, 2020

CERTIFICATE OF SERVICE

I hereby certify that I have, on this day, caused the foregoing document to be served by first-class mail, postage prepaid, upon the following:

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

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Dated: March 16, 2020