

RECEIVED

JUL 24 2020

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Tatanka Ridge Wind, LLC

)

Docket No. EG20-____-000

**NOTICE OF SELF-CERTIFICATION OF
EXEMPT WHOLESALE GENERATOR STATUS OF
TATANKA RIDGE WIND, LLC**

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, Tatanka Ridge Wind, LLC (“Tatanka Ridge”) 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:

David M. Perlman
Kathryn F. Penry
Bracewell LLP
2001 M Street NW, Suite 900
Washington, DC 20036
(202) 828-5800
david.perlman@bracewell.com
kathryn.penry@bracewell.com

Toan Nguyen
Deputy General Counsel
Avangrid Renewables, LLC
1125 NW Couch Street, Suite 700
Portland, OR 97209
(503) 241-3204
toan.nguyen@avangrid.com

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

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

Tatanka Ridge 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 regulations³ in order to permit designation of more than two persons for service in this proceeding.

II. PRINCIPAL PLACE OF BUSINESS

Tatanka Ridge's principal place of business is:

1125 NW Couch St, Suite 700
Portland, OR 97209
Attn: Legal

III. DESCRIPTION OF APPLICANT AND THE FACILITY

Tatanka Ridge is an Oregon limited liability company that has been formed for the purpose of developing, owning, and operating an approximately 155 MW wind generation facility and associated interconnection facilities being constructed in Deuel County, South Dakota (the "Eligible Facility"). The Eligible Facility has an expected in-service date of October 1, 2020. The Eligible Facility includes limited and discrete electric interconnection facilities necessary to effectuate wholesale power sales from the Eligible Facility. The Eligible Facility will be interconnected with the electric transmission system operated by Otter Tail Power Company within the Midcontinent Independent System Operator, Inc. ("MISO") balancing authority area ("BAA").

Tatanka Ridge is a direct, wholly-owned subsidiary of Avangrid Renewables, LLC ("Avangrid Renewables"). Avangrid Renewables, in turn, is a direct wholly-owned subsidiary of Avangrid Renewables Holdings, Inc., which is a direct, wholly-owned subsidiary of AVANGRID, Inc. ("Avangrid"). Avangrid is a public utility holding company organized under the laws of New York whose shares are publicly traded on the New York Stock Exchange under the symbol

³ 18 C.F.R. § 385.203(b)(3).

“AGR.” Iberdrola, S.A., a Spanish public utility holding company whose shares are publicly traded on the Madrid Stock Exchange, owns 81.5% of the outstanding stock of Avangrid. Through various subsidiaries, Avangrid holds indirect interests in companies engaged in the generation, transmission, and distribution of electric energy throughout the United States.

Once operational, Tatanka Ridge will sell approximately 150 MW of the electrical output of the Eligible Facility exclusively at wholesale pursuant to a long-term power purchase agreement with Dairyland Power Cooperative and Google Energy LLC, with all sales being made at wholesale into the markets administered by MISO. Tatanka Ridge’s sole business is owning and operating the Eligible Facility.

IV. REPRESENTATIONS

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

1. Tatanka Ridge 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 Tatanka Ridge wind generation 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.
3. All of the electric energy generation from the Eligible Facility will be sold within the United States exclusively at wholesale. Tatanka Ridge will not make domestic or foreign sales at retail.

⁴ Tatanka Ridge 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).

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. Tatanka Ridge 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 Tatanka Ridge, 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 Tatanka Ridge, 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 Tatanka Ridge.
9. Tatanka Ridge will not sell electric capacity or energy to an affiliated electric utility company.
10. Tatanka Ridge 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 Tatanka Ridge 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 Tatanka Ridge 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 Tatanka Ridge or others;⁹
- f. reselling or reassigning excess transmission capacity originally obtained to effect a wholesale sale of electric energy;¹⁰

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 ¶ 1,376 (1995).

⁹ See *CNG Power Serv. Corp.*, 71 FERC ¶ 61,026 at pp. 61,103-04 (1995).

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

- g. the purchase and sale of congestion revenue rights that Tatanka Ridge needs for the Eligible Facility's power sale operations;¹¹
- h. entering into financial contracts, consistent with the Commission's 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 Tatanka Ridge'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 the Commission's 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.

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. Tatanka Ridge 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).

V. SERVICE

As required by section 366.7(a) of the Commission's regulations,¹⁷ 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.

VI. CONCLUSION

For the foregoing reasons, Tatanka Ridge respectfully requests that the Commission accept this Notice of Self-Certification as an EWG.

Dated: July 21, 2020

Respectfully submitted,

/s/ David M. Perlman

David M. Perlman

Kathryn F. Penry

Bracewell LLP

2001 M Street, N.W., Suite 900

Washington, D.C. 20036

david.perlman@bracewell.com

kathryn.penry@bracewell.com

(202) 828-5800

Counsel for Tatanka Ridge Wind, LLC

¹⁷ 18 C.F.R. § 366.7(a).

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

/s/ David M. Perlman
David M. Perlman
Bracewell LLP
2001 M Street, N.W., Suite 900
Washington, D.C. 20036
david.perlman@bracewell.com
(202) 828-5800

Dated: July 21, 2020