



Control Number: 14406



Item Number: 844

Addendum StartPage: 0

**PUC PROJECT NO. 14406**

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



**IP Aragorn, LLC**

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**Docket No. EG20-134-000**

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

Pursuant to Section 366.7(a) of the Federal Energy Regulatory Commission's ("Commission") regulations, 18 C.F.R. § 366.7(a) (2019), IP Aragorn, LLC ("Aragorn") hereby submits this Notice of Self-Certification that it is an "exempt wholesale generator" ("EWG") as defined under Section 1262(6) of the Public Utility Holding Company Act of 2005 ("PUHCA") and 18 C.F.R. Part 366.

**I. CORRESPONDENCE AND COMMUNICATIONS**

All communications regarding this filing should be directed to:

IP ARAGORN, LLC C/O SB ENERGY 1 Circle Star Way San Carlos, CA 94070 Attn: Velvet Voelz Tel: (415) 722-6649 E-Mail: amus@sbenergy.com	William B. Bice Milbank LLP 55 Hudson Yards New York, NY 10001 Tel: (212) 530-5622 E-Mail: wbice@milbank.com
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**II. DESCRIPTION OF ARAGORN**

Aragorn is a Delaware limited liability company that has been formed to develop, own, and operate an approximately 201 MW (AC) (nameplate) solar photovoltaic ("PV") electric generation facility located in Culberson County, Texas (the "Facility"). The Facility is scheduled to achieve initial synchronization in the first quarter of 2021. The Facility will be comprised of solar PV panels and associated facilities necessary for the generation of power at wholesale, including a 1.3-mile 138 kV gen-tie interconnection line. The Facility will be interconnected with the transmission system owned by the Lower Colorado River Authority within the Electric

Reliability Council of Texas, Inc. balancing authority area. The Facility will not provide transmission or distribution services for other parties or comprise an integrated transmission or distribution system.

### **III. REPRESENTATIONS AND INFORMATION REQUIRED BY 18 C.F.R. § 366.7**

By this Notice of Self-Certification of EWG Status, Aragorn self-certifies that it is an EWG within the meaning of Section 1262(6) of PUHCA and 18 C.F.R. §§ 366.1 and 366.7. In support, Aragorn represents the following:

1. Aragorn is engaged directly and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more “eligible facilities” as defined under Section 32(a)(2) of the Public Utility Holding Company Act of 1935 (“PUHCA 1935”) and selling electric energy at wholesale. Consistent with Commission precedent, Aragorn may also provide to the wholesale purchaser of its electric energy, or to other purchasers, other products derived from and/or incidental to the production and wholesale of electric energy from the Facility, such as ancillary services and environmental attributes associated with the Facility’s generation of electric energy (including renewable generation credits). *See, e.g., Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998); *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

2. The Facility will be an “eligible facility,” as that term is defined under Section 32(a)(2) of PUHCA 1935, because (i) it will be used for the generation of electric energy exclusively for sale at wholesale, and (ii) it will include only those interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale. The electricity produced by the Facility will be sold exclusively at wholesale under a long-term power purchase agreement with Austin Energy, and Aragorn will neither own nor operate any transmission facilities other than those interconnecting transmission facilities necessary to effect the wholesale sale of electric energy

from the Facility.

3. 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. Accordingly, no determination or certification by any state commission is necessary prior to Aragorn obtaining status as an EWG.

4. There will be no lease arrangement through which Aragorn will lease the Facility to a public utility company or any other party.

5. Except for other EWGs, no portion of the Facility will be owned or operated by an “electric utility company” that is an “affiliate” or an “associate company” of Aragorn, as those terms are defined in Section 1262 of PUHCA and 18 C.F.R. § 366.1.

#### **IV. SERVICE**

As required by 18 C.F.R. § 366.7(a), Aragorn is concurrently serving a copy of this Notice of Self-Certification of EWG Status upon the Public Utility Commission of Texas.

#### **V. CONCLUSION**

Based on the foregoing, Aragorn 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 of Self-Certification of EWG Status.

Respectfully Submitted,

/s/ William B. Bice  
William B. Bice  
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55 Hudson Yards  
New York, NY 10001  
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Dated: April 22, 2020

*Counsel to IP Aragorn, LLC*

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document on the following by first class mail:

Secretary to the Commission  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, TX 78711

/s/ Chad Richards  
Chad Richards  
Milbank LLP  
1850 K Street, N.W., Suite 1100  
Washington, D.C. 20006  
Tel: (202) 835-7526  
crichards@milbank.com

Dated: April 22, 2020

**From:** eFiling@ferc.gov <eFiling@ferc.gov>  
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Acceptance for Filing  
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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.: 202004225194  
-Docket(s) No.: EG20-134-000  
-Filed By: IP Aragorn, LLC  
-Signed By: William Bice  
-Filing Type: Exempt Wholesale Generator Request  
-Filing Desc: Notice of Self-Certification of Exempt Wholesale Generator Status of IP Aragorn, LLC under EG20-134.  
-Submission Date/Time: 4/22/2020 3:15:30 PM  
-Filed Date: 4/22/2020 3:15:30 PM

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