

Zak, Alexandra

From: eFiling@ferc.gov
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To: Zak, Alexandra; eFilingAcceptance@ferc.gov
Subject: FERC Acceptance for Filing in EG22-151-000

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.: 202206215191
- Docket(s) No.: EG22-151-000
- Filed By: Daybreak Solar, LLC
- Signed By: Toan-Hao Nguyen
- Filing Type: Exempt Wholesale Generator Request
- Filing Desc: Notice of Self-Certification of Exempt Wholesale Generator Status of Daybreak Solar, LLC under EG22-151.
- Submission Date/Time: 6/21/2022 4:36:29 PM
- Filed Date: 6/21/2022 4:36:29 PM

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

Daybreak Solar, LLC

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Docket No. EG22-__-000

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”), enacted as part of the Energy Policy Act of 2005,¹ and Section 366.7 of the Rules and Regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”),² Daybreak Solar, LLC (“Applicant”) hereby submits this Notice of Self-Certification of Exempt Wholesale Generator (“EWG”) Status based on its development, ownership, and expected operation of an approximately 189 MW_{DC} (140 MW_{AC}) solar generating facility located in Wasco County, Oregon.

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this Notice shall be directed to:

Toan Nguyen
Deputy General Counsel
Avangrid Renewables, LLC
2701 NW Vaughn St, Suite 300
Portland, OR 97210
Tel: (503) 241-3204
toan.nguyen@avangrid.com

II. DESCRIPTION OF APPLICANT

Applicant is an Oregon limited liability company and expects to own and operate an approximately 189 MW_{DC} (140 MW_{AC}) solar generating facility (the “Facility”) in Wasco

¹ EPAAct 2005, Pub. L. No. 109-58, 1261-80, 119 Stat. 594 (2005).

² 18 C.F.R. § 366.7 (2016).

County, Oregon. The Facility will be interconnected with the transmission system operated by the Bonneville Power Administration and be integrated into the generation-only balancing authority area operated by its affiliate, Avangrid Renewables, LLC (“Avangrid Renewables”). Applicant is a direct, wholly-owned subsidiary of 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 “AGR.” AVANGRID is a direct subsidiary of Iberdrola, S.A., a Spanish public utility holding company which owns 81.5% of the shares of AVANGRID, and Iberdrola, S.A. shares are publicly traded on the Madrid Stock Exchange. Through various subsidiaries, AVANGRID holds indirect interests in companies engaged in the generation, transmission, and distribution of electric energy throughout the United States.

Applicant plans to file an application with the Commission for authorization to make sales of energy, capacity and ancillary services at market-based rates. Once operational, Applicant will sell the electrical output of the Facility exclusively at wholesale in the Pacific Northwest and western United States. Applicant’s sole business is owning and operating the Facility.

III. SELF CERTIFICATION OF EWG STATUS

The Commission’s regulations require that an EWG be engaged directly, or indirectly through one or more affiliates, and exclusively in the business of owning and/or operating one or

more eligible facilities and selling electric energy at wholesale.³ Consistent with the Commission's regulations, Applicant makes the following representations to certify that it will satisfy the requirements for EWG status:

1. Applicant will be 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" and selling electric energy at wholesale, and the Facility will satisfy the definition of an "eligible facility" under Section 32(a)(2) of PUHCA 1935 because it will be used for the generation of electric energy exclusively for sale at wholesale.⁴

³ See 18 C.F.R. §§ 366.7 and 366.1. Section 366.1 incorporates Sections 32(a)(2) through (4), and Sections 32(b) through (d) of the Public Utility Holding Company Act of 1935, 15 U.S.C. §§ 79z-5a(a)(2)-(4), 79z-5a(b)-(d) ("PUHCA 1935"), for the purposes of establishing or determining whether an entity qualifies for EWG status.

⁴ Applicant may be engaged in the sale of ancillary services as a by-product that is incidental to the wholesale electric energy sales from the Facility, as permitted by the Commission in *Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998), including but not limited to wholesale marketing and brokering of electric energy that Applicant has not generated, *see e.g., Entergy Power Mktg. Corp.*, 73 FERC ¶ 61,063 (1995); *LG&E Power Mktg., Inc.*, 67 FERC ¶ 61,083 (1994), 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 services, backup supply service, and restoration service, consistent with Commission precedent construing the exclusivity requirements of Section 32 of PUHCA 2005, *see, e.g., Duke Energy Oakland LLC*, 83 FERC ¶ 61,304 (1998); *Sithe Framingham, LLC, et al.*, 83 FERC ¶ 61,106 (1998), the sale of the byproducts of the generation of electric energy, *see Richmond Power Enter., L.P. et al.*, 62 FERC ¶ 61,157 (1993), entering into contracts for transmission capacity solely to the extent necessary to effect sales at wholesale of electricity generated by Applicant or others and reselling or reassigning excess transmission capacity originally obtained to effect a wholesale sale of electric energy, *see CNG Power Serv. Corp.*, 71 FERC ¶ 61,026 (1995), the purchase and sale of congestion revenue rights that Applicant needs for the Facility's power sale operations, *see Duquesne Power, L.P.*, 106 FERC ¶ 61,104 (2004), entering into financial contracts, consistent with FERC EWG precedent, *see Sithe/Independence Power Partners, L.P.*, 101 FERC ¶ 61,287 (2002), sale of spare parts and/or equipment originally acquired in connection with the ownership and operation of the Facility when such spare parts and/or equipment has become excess to Applicant's needs, *see Blue Spruce Energy Ctr., LLC*, 105 FERC ¶ 61,059 (2003), entering into agreements related to facilities to be shared with other entities and used in the operation of eligible facilities, as consistent with FERC EWG precedent, *see Hardee Power Partners, Ltd.*, 104 FERC ¶ 61,327 (2003). In addition, Applicant may be engaged in the sale of renewable energy credits ("RECs") associated with the electricity produced by the Facility. The Commission has determined that the sale of RECs associated with an eligible facility is an activity incidental to an EWG's business of owning and operating an eligible facility and selling electricity at wholesale. *See Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

2. Applicant will not own any transmission facilities other than those interconnection facilities that are necessary to affect the wholesale sale of electric energy from the Facility, consistent with Commission precedent construing the definition of “eligible facility” under Section 32(a)(2) of PUHCA 1935.
3. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced thereby, was in effect under the laws of any State on October 24, 1992 and, therefore, no State determination is required with respect to this filing.
4. There are no lease arrangements through which Applicant will lease the Facility to a public utility company or any other party.
5. All of the electric energy generation from the Facility will be sold within the United States exclusively at wholesale. Applicant does not sell electricity at retail to any customer. Accordingly, the Facility does not rely on the exception provided by Section 32(b) of PUHCA 1935 regarding foreign sales of power at retail.
6. No portion of the Facility will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Applicant as those terms are defined in PUHCA 2005.
7. Sales of electric energy generated and other power services the Facility is capable of producing will be consistent with the instant self-certification of EWG status sought by Applicant.

In accordance with Section 366.7(a) of the Commission’s regulations, a copy of this Notice is concurrently being served upon the Oregon Public Utility Commission, the state regulatory authority in the state in which the Facility is located.

IV. CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Respectfully submitted,

/s/ Toan Nguyen
Toan Nguyen
Deputy General Counsel
Avangrid Renewables, LLC
2701 NW Vaughn St, Suite 300
Portland, OR 97210
Tel: (503) 241-3204
toan.nguyen@avangrid.com

Dated: June 21, 2022

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:

Oregon Public Utility Commission
201 High Street SE, Suite 100
Salem, OR 97301-3398

/s/ Toan Nguyen

Toan Nguyen
Deputy General Counsel
Avangrid Renewables, LLC
2701 NW Vaughn St, Suite 300
Portland, OR 97210
Tel: (503) 241-3204
toan.nguyen@avangrid.com

Dated: June 21, 2022