

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

UTAH PUBLIC
SERVICE COMMISSION
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Pavant Solar II LLC

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Docket No. EG16-____-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 (the “Commission”),² Pavant Solar II LLC (“Applicant”) hereby submits this Notice of Self-Certification of Exempt Wholesale Generator (“EWG”) Status based on its development, ownership and operation of an approximately 50 MW AC photovoltaic solar facility (the “Facility”) located in Fillmore, Utah.

I. CORRESPONDENCE AND COMMUNICATIONS

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

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

² 18 C.F.R. § 366.7 (2015).

II. DESCRIPTION OF APPLICANT

Applicant will own and operate an approximately 50 MW AC photovoltaic solar facility that is currently being constructed in Fillmore, Utah (the “Facility”). The commercial in-service date of the Facility is currently October 31, 2016. The Facility has entered into a Power Purchase Agreement and will be interconnected with PacificCorp.

Applicant has filed for and obtained market-based rate authority³ and will be a public utility under the Federal Power Act upon acceptance of that application. Applicant is wholly-owned subsidiary of PSEG Solar Utah LLC, a wholly owned subsidiary of PSEG Solar Source LLC (“PSEG Solar Source”), which develops, owns, and operates approximately 250 MW AC of photovoltaic solar facilities throughout the United States. PSEG Solar Source is wholly owned by PSEG Power Ventures LLC which is wholly owned by PSEG Power LLC (“PSEG Power”). PSEG Power is wholly owned by Public Service Enterprise Group Incorporated (“PSEG”), a public utility holding company.

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.⁴ Consistent with the Commission’s regulations, Applicant makes the following representations to certify that it will satisfy the requirements for EWG status:

³ See: (i) “Application for Market-Based Rate Authorization and Request for Waivers and Blanket Approvals,” *Pavant Solar II LLC*, Docket No. ER16-1925-001 (July 1, 2016); and (ii) Letter Order, *Bison Solar LLC, et al.*, Docket Nos. ER16-1924-001, et al. (August 19, 2016).

⁴See 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-5b(b)-(d) (“PUHCA 1935”), for the purposes of establishing or determining whether an entity qualifies 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” because it will be used for the generation of electric energy exclusively for sale at wholesale.
2. Applicant will not own any transmission facilities other than those interconnection facilities that are necessary to effect 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. 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.

In accordance with Section 366.7(a) of the Commission’s regulations, a copy of this Notice is concurrently being served upon the Utah Public Service Commission.

IV. CONCLUSION

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

Respectfully submitted,
Pavant Solar II LLC

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Dated: September 15, 2016
Newark, New Jersey

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Pavant Solar II LLC was served by first-class mail on the 15th of September, 2016 upon the following:

Utah Public Service Commission
Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111

Dated at Newark, New Jersey, this 15th day of September, 2016.

James E. Wrynn

James E. Wrynn
Paralegal

