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May 18, 2023

**VIA EFILING**

The Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

**Re: Appaloosa Solar I, LLC**  
**Docket No. EG23-\_\_\_-000**

Dear Secretary Bose:

Pursuant to Section 366.7 of the Federal Energy Regulatory Commission's (the "Commission") regulations, 18 C.F.R. § 366.7, please find enclosed a notice of self-certification of exempt wholesale generator ("EWG") status submitted for filing by Appaloosa Solar I, LLC. This filing has been mailed on this date to the Utah Public Service Commission.

Please contact the undersigned if you have any questions regarding this notice.

Respectfully submitted,

/s/ Jessica L. Bayles

Jessica L. Bayles

*Counsel for Appaloosa Solar I, LLC*

cc: Utah Public Service Commission

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

**Appaloosa Solar I, LLC**

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**Docket No. EG23-\_\_-000**

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

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”)<sup>1</sup> and Section 366.7 of the regulations of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. § 366.7, Appaloosa Solar I, LLC (“Company”) 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**

Communications with regard to this Notice should be addressed to:

Julianne Hull  
Chief Compliance Officer  
Greenbacker Capital Management  
ATT: General Counsel  
230 Park Avenue, Suite 1560  
New York, NY 10169  
Telephone: (646) 556-6611  
Email: [generalcounsel@greenbackercapital.com](mailto:generalcounsel@greenbackercapital.com)

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**II. DESCRIPTION OF COMPANY**

The Company is developing a 200 MW solar photovoltaic powered electricity generating facility located in Iron County, Utah (the “Facility”). The Facility will interconnect with the PacifiCorp transmission system. The Facility has executed power purchase agreements under

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<sup>1</sup> Pub. L. No. 109-58, 119 Stat. 594, § 1266 (Aug. 8, 2005).

which all of the Facility's output will be sold to PacifiCorp. All of the Facility's output will be sold exclusively at wholesale.

The Facility is expected to commence commercial operations in December 2023. The Facility will be comprised of solar PV panels, and associated facilities and equipment necessary for the generation and storage of power at wholesale. The Facility will also include electric interconnection facilities necessary to effectuate the Company's wholesale power sales from the Facility.

### **III. REPRESENTATIONS REGARDING 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.<sup>2</sup> Consistent with the Commission's regulations, the Company makes the following representations to certify that it satisfies the requirements for EWG status:

A. The Company is engaged directly, or indirectly through one of more affiliates as defined in section 366.1 of the Commission's regulations, and exclusively in the business of

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<sup>2</sup> See 18 C.F.R. §§ 366.7 and 366.1 (2014). 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 purposes of establishing or determining whether an entity qualifies for EWG status.

owning or operating, or both owning and operating, all or part of one or more “eligible facilities” and selling electric energy at wholesale.<sup>3</sup>

B. The Facility is an “eligible facility” because (i) it is used for the generation of electric energy exclusively for sale at wholesale and (ii) it includes only those interconnecting transmission facilities that are necessary to effect a sale of electric energy at wholesale.

C. No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility (other than any portion of a rate or charge which represents recovery of the cost of a wholesale rate or charge), was in effect under the laws of any state on October 24, 1992. Therefore, no determinations by a state commission are necessary for this self-certification to become effective.

D. No portion of the Facility is owned or operated by an electric utility company that is an affiliate or an associate company of the Company, as defined in section 366.1 of the Commission’s regulations other than an affiliate or associate company that is an EWG.

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<sup>3</sup> The Company may engage in activities incidental to the sale of electric energy, consistent with Commission precedent. The Commission’s precedent provides that an EWG applicant may engage in certain activities associated with the development and acquisition of as-yet-unidentified eligible facilities and/or EWGs, including due diligence, project design review and development, preparation of bid proposals, application for permits and/or regulatory approvals, negotiation of agreements to sell electricity at wholesale, negotiation of contractual commitments with lenders and equity investors, negotiation of contractual commitments with governmental authorities and other project participants, and other such activities as may be required to achieve financial closing on an eligible facility and/or EWG. *Southern Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994).

#### **IV. STATE COMMISSION NOTIFICATION**

As required by section 366.7(a) of the Commission's regulations, the Company has on this day mailed a copy of this Notice of Self-Certification to the Utah Public Service Commission, which is the state regulatory authority of the state in which the Facility is located.

#### **V. SUBSCRIPTION CERTIFICATION**

Pursuant to Section 366.7 of the Commission's regulations, attached to this filing as Attachment A is a signed subscription certification by a representative legally authorized to bind the Company, attesting to the facts and representations in this Notice, which demonstrate eligibility for EWG status.

#### **VI. CONCLUSION**

Based upon the facts, representations and statements set forth herein, the Company respectfully requests that the Commission accept this notice of self-certification of EWG status.

DATED: May 18, 2023.

Respectfully submitted,

/s/ Jessica L. Bayles

Jessica L. Bayles

*Counsel for Appaloosa Solar I, LLC*

**ATTACHMENT A**

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**SUBSCRIPTION CERTIFICATION**

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Appaloosa Solar I, LLC

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Docket No. EG23-\_\_-000

CERTIFICATION

I, the undersigned, and as an officer of Greenbacker Renewable Energy Corporation, certify that I have read the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status being filed Appaloosa Solar I, LLC for a determination of exempt wholesale generator status and know the contents thereof; and the facts and representations set forth in the attached certification of exempt wholesale generator status are true and correct to the best of my knowledge, information and belief. I possess the full power and authority to sign this filing.

DATED: May 18, 2023

DocuSigned by:

*Spencer Mash*

118E7D84318E45A

Name: Spencer Mash

Title: CFO

**ATTACHMENT B**

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**CERTIFICATE OF SERVICE**



## CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Self-Certification of Exempt Wholesale Generator Status of Appaloosa Solar I, LLC was served on the 18th day of May 2023, upon the following:

Utah Public Service Commission  
160 E 300 S #4  
Salt Lake City, UT 84111

/s/ Jessica L. Bayles

Jessica L. Bayles  
Stoel Rives LLP  
1150 18th Street NW, Suite 325  
Washington, DC 20036

*Counsel for Appaloosa Solar I, LLC*