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July 14, 2025

**VIA CERTIFIED MAIL**

Gary Widerburg, Commission Administrator  
Utah Public Service Commission  
160 East 300 South, 4th Floor  
Salt Lake City, UT 84111

Re: Notice of Self-Certification of Exempt Wholesale Generator Status of Faraday Energy Storage LLC and Faraday Energy Storage II LLC

Dear Mr. Widerburg:

Pursuant to Section 366.7(e) of the regulations of the Federal Energy Regulatory Commission (“FERC”)<sup>1</sup> please find enclosed the Notices of Self-Certification of Exempt Wholesale Generator Status of Faraday Energy Storage LLC and Faraday Energy Storage II LLC, as filed on July 14, 2025, in FERC Docket Nos. EG25-387-000 and EG25-388-000. Please contact the undersigned with any questions.

Sincerely,

/s/ Stephen J. Hug

Stephen J. Hug

*Counsel for Faraday Energy Storage LLC and  
Faraday Energy Storage II LLC*

Enclosures

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<sup>1</sup> 18 C.F.R. § 366.7(e) (2025).

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

Faraday Energy Storage LLC

)

Docket No. EG25-\_\_\_\_-000

**NOTICE OF SELF-CERTIFICATION OF EXEMPT WHOLESALE  
GENERATOR STATUS OF FARADAY ENERGY STORAGE LLC**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”),<sup>1</sup> and Section 366.7(a) of the regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”),<sup>2</sup> Faraday Energy Storage LLC (“Applicant”) hereby submits this Notice of Self-Certification (“Notice”) of its status as an “exempt wholesale generator” (“EWG”). Applicant submits this Notice based on its ownership of an approximately 150 MWac battery energy storage facility under development in Utah County, Utah (the “Facility”).<sup>3</sup>

**I. CORRESPONDENCE, COMMUNICATIONS, AND SERVICE**

Applicant requests that all correspondence, communications, and service concerning this Notice be directed to the following persons, and that their names and addresses be placed on the official service list for this proceeding:<sup>4</sup>

Patrick Leibach  
LYDIAN ENERGY LLC  
1255 Union St. NE, 7th Fl.  
Washington, DC 20002  
Tel: (202) 841-5658  
[patrick.leibach@lydianenergy.com](mailto:patrick.leibach@lydianenergy.com)

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<sup>1</sup> Pub. L. No. 109-58, §§ 1261-77, 119 Stat. 594, 972-78 (2005).

<sup>2</sup> 18 C.F.R. § 366.7(a).

<sup>3</sup> *Id.* § 366.1.

<sup>4</sup> Applicant requests waiver of 18 C.F.R. § 385.203(b)(3) to the extent necessary to allow each person listed to be included on the official service list for this proceeding.

## **II. DESCRIPTION OF APPLICANT AND THE FACILITY**

Applicant is a Delaware limited liability company with its principal place of business at 1255 Union St. NE, 7th Fl., Washington, DC 20002. Applicant was formed for the purposes of developing, owning, and operating the Facility and owning interests in certain related interconnection facilities and engaging in all other lawful business activities consistent with EWG status. The Facility is located in the PacifiCorp East balancing authority area and will interconnect with the transmission system owned by PacifiCorp. The Facility is anticipated to begin generating test energy in May 2026.

Applicant does not own any transmission facilities other than interconnection facilities associated with the Facility, including an interest in certain shared interconnection facilities (the “Shared Facilities”) to be constructed and operated pursuant to a Shared Facilities Agreement among Applicant, Faraday Solar B LLC (“Faraday B”), and Faraday Energy Storage II LLC (“Faraday Storage II” and, collectively, the “SFA Parties”), as amended November 7, 2023.<sup>5</sup> The Shared Facilities Agreement sets forth the terms and conditions under which the SFA Parties will jointly own undivided tenancy in common interests in the Shared Facilities. Applicant’s Facility will interconnect over the Shared Facilities to PacifiCorp’s Lampo substation pursuant to Applicant’s interest in Faraday Interconnection LLC (“Faraday Interconnection”) and under the Standard Large Generator Interconnection Agreement entered into by Faraday Interconnection and PacifiCorp on March 3, 2023, as amended on August 16, 2023 and May 22, 2025 (“Interconnection Agreement”).

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<sup>5</sup> Faraday B is developing and will own and operate an approximately 525 MWac solar photovoltaic electric power generating facility in Utah County, Utah. Faraday Storage II is developing and will own and operate an approximately 375 MWac battery energy storage facility in Utah County, Utah. *See Faraday Solar B LLC*, Docket No. ER25-2807-000, Filing of Shared Facilities Agreement and Request for Waiver of Prior Notice Requirements (July 9, 2025).

### III. SELF-CERTIFICATION OF EWG STATUS

The Commission's regulations rely on the statutory definition of an EWG, which includes "any person engaged directly, or indirectly . . . 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."<sup>6</sup> The statute specifies that an eligible facility "shall include a facility the construction of which has not been commenced or completed."<sup>7</sup> Entities may self-certify their status as an EWG by demonstrating that they satisfy this definition.<sup>8</sup>

Consistent with the Commission's regulations, Applicant makes the following representations to certify that it satisfies the requirements for EWG status:

1. Applicant represents that it will be engaged directly and exclusively in the business of owning the Facility, and the Facility will be used exclusively to generate (or store and discharge) electric products exclusively for sale at wholesale.<sup>9</sup>
2. The Facility, as described above, satisfies the definition of "eligible facility" in Section 32(a)(2) of the Public Utility Holding Company Act of 1935 ("PUHCA 1935"), as incorporated by reference in 18 C.F.R. § 366.1, because it will be used for the

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<sup>6</sup> 18 C.F.R. § 366.1.

<sup>7</sup> 15 U.S.C. § 79z-5a(a)(2).

<sup>8</sup> 18 C.F.R. § 366.1.

<sup>9</sup> As explained herein, Applicant may engage in activities incidental to the sale of electric energy at wholesale, consistent with Commission precedent. The Commission's precedent provides that an EWG 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. *S. Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994).

generation (or storage and discharge) of electric energy exclusively for sale at wholesale.<sup>10</sup>

3. The Facility includes no transmission or distribution facilities other than those interconnection facilities that are necessary to effect the wholesale sale of electric energy from the eligible facility, consistent with Commission precedent construing the definition of “eligible facility” under Section 32(a)(2) of PUHCA 1935.
4. Applicant does not and will not make sales of power at retail.
5. 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. As such, no determination or certification by a state commission is necessary.
6. No portion of the Facility is or will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Applicant that is not itself an EWG as such terms are defined in Section 366.1 of the Commission’s regulations.<sup>11</sup>
7. There are no existing leasing arrangements involving the Facility and any public utility company or any affiliate or associate company of any public utility company, as those terms are defined in Section 366.1 of the Commission’s regulations.<sup>12</sup>
8. Applicant may engage in activities the Commission has previously determined to be “incidental” to an EWG’s primary business of owning and/or operating “eligible

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<sup>10</sup> In addition to generating facilities, “eligible facilities” include “interconnecting transmission facilities necessary to effect a sale of electric energy at wholesale.” 15 U.S.C. § 79z-5a(a)(2). The Commission has found that a BESS facility that is operated in such manner that it will be engaged directly or indirectly and exclusively in selling electric energy at wholesale can qualify as an “eligible facility” for purposes of determining whether an applicant meets the requirements of EWG status. *AES ES Westover, LLC*, 131 FERC ¶ 61,008, at P 7 (2010).

<sup>11</sup> 18 C.F.R. § 366.1. As described above, Applicant’s affiliate Faraday Interconnection will be the Interconnection Customer under the Interconnection Agreement.

<sup>12</sup> Such lease arrangements with a public-utility company and involving a facility used exclusively to generate electricity for sale exclusively at wholesale satisfy the “and selling” requirement for EWG status. *DTE Pontiac N. LLC*, 121 FERC ¶ 61,037, at P 7 (2007).

facilities” and selling electric energy exclusively at wholesale, including, but not necessarily limited to:

- i. selling or reselling ancillary services and interconnected operations services at wholesale consistent with Commission precedent construing the exclusivity requirements of Section 32 of PUHCA;<sup>13</sup>
- ii. the sale of byproducts of the generation (or storage and discharge) of electric energy for sale at wholesale;<sup>14</sup>
- iii. reselling or reassigning excess transmission capacity originally obtained to effect a wholesale sale of electric energy;<sup>15</sup>
- iv. the purchase or sale of “green” power certificates or credits associated with power produced or stored by the Facility or other “eligible facilities” owned and/or operated by Applicant;<sup>16</sup>
- v. sales 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 have become excess to Applicant’s needs;<sup>17</sup>
- vi. engaging in certain project development and financing activities associated with the Facility, such as developing and constructing the Facility and additional generating facilities and other activities that may be required to achieve financial closing on an “eligible facility” or an EWG;<sup>18</sup>
- vii. 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;<sup>19</sup> and
- viii. such other activities incidental to the sale of electric energy at wholesale that are consistent with the Commission’s EWG precedent.

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<sup>13</sup> See, e.g., *Duke Energy Oakland, LLC*, 83 FERC ¶ 61,304 (1998); *Sithe Framingham LLC*, 83 FERC ¶ 61,106 (1998).

<sup>14</sup> See *Richmond Power Enter., L.P.*, 62 FERC ¶ 61,157 (1993).

<sup>15</sup> See e.g., *id.*; *Compañía Hidroeléctrica Doña Julia S. De R.L.*, 85 FERC ¶ 61,336 (1998).

<sup>16</sup> See *Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000).

<sup>17</sup> See e.g., *Blue Spruce Energy Ctr., LLC*, 105 FERC ¶ 61,059 (2003).

<sup>18</sup> See e.g., *AEP Res., Project Mgmt. Co.*, 74 FERC ¶ 61,202 (1996); *S. Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Empresa Valle Hermoso, S.A.*, 72 FERC ¶ 61,306, at 62,288 (1995).

<sup>19</sup> See *Hardee Power Partners, Ltd.*, 104 FERC ¶ 61,327, at P 11 (2003).

#### **IV. SERVICE**

Pursuant to Section 366.7(a) of the Commission's regulations, Applicant is serving a copy of this Notice on the Utah Public Service Commission, the state regulatory authority of the state in which the Facility is located.<sup>20</sup>

#### **V. CONCLUSION**

Based on the foregoing facts, statements and representations, Applicant satisfies the requirements for EWG status.

Respectfully Submitted,

/s/ Stephen J. Hug

Stephen J. Hug

Ben N. Reiter

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Dated: July 14, 2025

*Counsel for Applicant*

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<sup>20</sup> 18 C.F.R. § 366.7(a).

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

Faraday Energy Storage II LLC

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Docket No. EG25-\_\_\_\_-000

**NOTICE OF SELF-CERTIFICATION OF EXEMPT WHOLESALE  
GENERATOR STATUS OF FARADAY ENERGY STORAGE II LLC**

Pursuant to the Public Utility Holding Company Act of 2005 (“PUHCA 2005”),<sup>1</sup> and Section 366.7(a) of the regulations of the Federal Energy Regulatory Commission (“FERC” or the “Commission”),<sup>2</sup> Faraday Energy Storage II LLC (“Applicant”) hereby submits this Notice of Self-Certification (“Notice”) of its status as an “exempt wholesale generator” (“EWG”). Applicant submits this Notice based on its ownership of an approximately 375 MWac battery energy storage facility under development in Utah County, Utah (the “Facility”).<sup>3</sup>

**I. CORRESPONDENCE, COMMUNICATIONS, AND SERVICE**

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## II. DESCRIPTION OF APPLICANT AND THE FACILITY

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Applicant does not own any transmission facilities other than interconnection facilities associated with the Facility, including an interest in certain shared interconnection facilities (the “Shared Facilities”) to be constructed and operated pursuant to a Shared Facilities Agreement among Applicant, Faraday Solar B LLC (“Faraday B”), and Faraday Energy Storage LLC (“Faraday Storage” and, collectively, the “SFA Parties”), as amended November 7, 2023.<sup>5</sup> The Shared Facilities Agreement sets forth the terms and conditions under which the SFA Parties will jointly own undivided tenancy in common interests in the Shared Facilities. Applicant’s Facility will interconnect over the Shared Facilities to PacifiCorp’s Lampo substation pursuant to Applicant’s interest in Faraday Interconnection LLC (“Faraday Interconnection”) and under the Standard Large Generator Interconnection Agreement entered into by Faraday Interconnection and PacifiCorp on March 3, 2023, as amended on August 16, 2023 and May 22, 2025 (“Interconnection Agreement”).

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<sup>5</sup> Faraday B is developing and will own and operate an approximately 525 MWac solar photovoltaic electric power generating facility in Utah County, Utah. Faraday Storage is developing and will own and operate an approximately 150 MWac battery energy storage facility in Utah County, Utah. *See Faraday Solar B LLC*, Docket No. ER25-2807-000, Filing of Shared Facilities Agreement and Request for Waiver of Prior Notice Requirements (July 9, 2025).

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1. Applicant represents that it will be engaged directly and exclusively in the business of owning the Facility, and the Facility will be used exclusively to generate (or store and discharge) electric products exclusively for sale at wholesale.<sup>9</sup>
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4. Applicant does not and will not make sales of power at retail.
5. 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. As such, no determination or certification by a state commission is necessary.
6. No portion of the Facility is or will be owned or operated by an “electric utility company” that is an “affiliate” or “associate company” of Applicant that is not itself an EWG as such terms are defined in Section 366.1 of the Commission’s regulations.<sup>11</sup>
7. There are no existing leasing arrangements involving the Facility and any public utility company or any affiliate or associate company of any public utility company, as those terms are defined in Section 366.1 of the Commission’s regulations.<sup>12</sup>
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- vi. engaging in certain project development and financing activities associated with the Facility, such as developing and constructing the Facility and additional generating facilities and other activities that may be required to achieve financial closing on an “eligible facility” or an EWG;<sup>18</sup>
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<sup>19</sup> See *Hardee Power Partners, Ltd.*, 104 FERC ¶ 61,327, at P 11 (2003).

#### **IV. SERVICE**

Pursuant to Section 366.7(a) of the Commission's regulations, Applicant is serving a copy of this Notice on the Utah Public Service Commission, the state regulatory authority of the state in which the Facility is located.<sup>20</sup>

#### **V. CONCLUSION**

Based on the foregoing facts, statements and representations, Applicant satisfies the requirements for EWG status.

Respectfully Submitted,

/s/ Stephen J. Hug

Stephen J. Hug

Ben N. Reiter

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Dated: July 14, 2025

*Counsel for Applicant*

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<sup>20</sup> 18 C.F.R. § 366.7(a).