

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

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| Green River Energy Center, LLC |))) | Docket No. EG25-____-000 |
|---------------------------------------|-------------|---------------------------------|

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

Pursuant to the Public Utility Holding Company Act of 2005, enacted as part of the Energy Policy Act of 2005,¹ and section 366.7(a) of the Commission’s rules,² Green River Energy Center, LLC (“Company”) hereby submits this notice of self-certification that it is an exempt wholesale generator (“EWG”) as defined in section 366.1 of the Commission’s rules.³ In support of this notice, the Company states as follows:

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this notice should be sent to the following persons who are authorized to receive service:⁴

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

² 18 C.F.R. § 366.7(a).

³ *Id.* § 366.1.

⁴ To the extent necessary, Applicant respectfully requests a waiver of Section 385.203(b)(3) of the Commission’s regulations to allow the inclusion of more than two persons on the service list in this proceeding. 18 C.F.R. § 385.203(b)(3).

II. DESCRIPTION OF THE COMPANY

The Company is a Utah limited liability company. It has been formed to develop, own, and operate a combined solar and storage generating facility with an output of approximately 400 MW as measured at the point of interconnection (the “Facility”). The Facility will be located in Emery County, Utah and is expected to begin generating electricity in the first quarter of 2026. The Facility will be comprised of solar photovoltaic modules, battery energy storage modules, inverters, and associated facilities and equipment necessary for the sale of electric energy at wholesale. The Facility will also include electric interconnection facilities necessary to effectuate the Company’s wholesale power sales from the Facility. The Facility will be interconnected with the transmission system owned and operated by PacifiCorp.

III. REPRESENTATIONS REGARDING EXEMPT WHOLESALE GENERATOR STATUS

The Commission’s regulations define an EWG as “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.”⁵ An entity may self-certify its status as an EWG by demonstrating that it satisfies this definition.⁶ Consistent with the Commission’s regulations, the Company makes the following representations to certify that it satisfies the criteria for EWG status:

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

⁵ 18 C.F.R. § 366.1. This Section 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.

⁶ *Id.* at § 366.7.

owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.⁷

- 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) the Company will not own any transmission facilities other than those interconnecting transmission facilities that are necessary to effect a wholesale sale of electric energy from the Facility, consistent with Commission precedent construing the definition of “eligible facility” under Section 32(a)(2) of the Public Utility Holding Company Act.
- c. 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. 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 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.⁸

IV. STATE COMMISSION NOTIFICATION

As required by section 366.7(a) of the Commission’s regulations, a copy of this notice is concurrently being served upon the Utah Public Service Commission, the state commission of the state in which the Facility is located.

⁷ Consistent with the Commission’s precedent, the Company may engage in certain other activities incidental to the wholesale sale of electricity from the Facility, including the sale of ancillary services (*see, e.g., Sithe Framingham, LLC*, 83 FERC ¶ 61,106 (1998)); the sale of renewable energy credits (*see, e.g., Madison Windpower, LLC*, 93 FERC ¶ 61,270 (2000)); and other activities associated with the development of eligible facilities and/or EWGs, including project design review and development, application for permits and/or regulatory approvals, negotiation of agreements to sell electricity at wholesale, negotiation of contractual commitments with lenders and equity investors, and other such activities as may be required to achieve financial closing on an eligible facility and/or EWG (*see, e.g., Southern Elec. Wholesale Generators, Inc.*, 66 FERC ¶ 61,264 (1994); *Entergy Power Asia Ltd.*, 67 FERC ¶ 61,342 (1994)). Entities that share interconnection facilities also qualify as EWGs. *See, e.g., Atrisco Solar LLC, et al.*, Docket Nos. EG24-64-000, EG24-65-000, EG24-66-000, EG24-67-000, EG24-68-000, EG24-69-000, EG24-70-000, EG24-71-000, and EG24-72-000, Notice of Effectiveness of Exempt Wholesale Generator Status (April 3, 2024).

⁸ To the extent that the Company may own an undivided co-tenancy interest with one or more affiliated EWGs in certain of the generator interconnection facilities proportionate to the size of the Facility, the Commission has determined that affiliated EWGs may share ownership of eligible facilities. *See Buffalo Gap Wind Farm 2, LLC*, 118 FERC ¶ 61,069 (Jan. 31, 2007).

V. CONCLUSION

For the reasons set forth in this notice of self-certification, the Company satisfies the requirements for EWG status.

Respectfully Submitted,

/s/ Caileen Gamache

Caileen Gamache

Maeve Tibbetts

Counsel for Green River Energy Center, LLC

Dated: September 24, 2025