

UTAH PUBLIC
UTILITY COMMISSION

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

West Valley Leasing Company LLC

150829

Docket No. EG08-_____

RECEIVED

**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 (“Commission”),² West Valley Leasing Company LLC (“West Valley”) hereby submits this Notice of Self-Certification of Exempt Wholesale Generator (“EWG”) Status based on its development, ownership and operation of a 200 MW gas-fired, simple-cycle combustion electric generation facility located in Utah.

I. CORRESPONDENCE AND COMMUNICATIONS

All communications and correspondence regarding this Notice shall be directed

to:

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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 (2007).

II. DESCRIPTION OF WEST VALLEY

West Valley, a limited liability company organized under the laws of the State of Oregon, owns an approximately 200 MW gas-fired, simple-cycle combustion electric generation facility in Utah (the "Facility"). On April 2, 2008, West Valley submitted an application seeking the Commission's authorization to make wholesale sales of electric energy, capacity and ancillary services at market-based rates.³ The Facility consists of five generation units, each rated at 40 MW, located within the PacifiCorp-East control area within the Western Electric Coordinating Council.

Since May 2002, West Valley has leased the Facility to PacifiCorp. Under the operating lease, PacifiCorp currently has total responsibility for the operation and maintenance of the Facility, as well as exclusive rights to all generation from the Facility. On December 1, 2006, PacifiCorp waived its option to purchase the Facility and exercised its option to terminate the lease. As such, it is currently anticipated that West Valley will both own and operate the Facility as of June 1, 2008.

West Valley is a direct, wholly-owned subsidiary of PPM Energy, Inc. ("PPM Energy"). PPM Energy is engaged, directly and through its subsidiaries, in the marketing and development of wind and thermal energy facilities, natural gas marketing, storage and hub services, and in providing other energy services. The Commission has authorized PPM Energy to make wholesale sales of electric energy and capacity at market-based rates.⁴ PPM Energy is an indirect, wholly-owned subsidiary of Iberdrola Renovables, S.A. ("Iberdrola Renewables").

³ See Docket No. ER08-784-000. On September 10, 1997, the Commission granted West Valley's successor, PPM Five LLC, market-based rate authorization in Docket No. ER97-3930. On March 21, 2002, the Commission granted West Valley's request to cancel that rate schedule in Docket No. ER02-1358.

⁴ *PacifiCorp Power Mktg., Inc.*, 74 FERC ¶ 61,139 (1996). On January 30, 2003, in Docket No. ER03-478-000, PPM filed a letter notifying the Commission of its name change.

Iberdrola Renewables is owned 80% by Iberdrola, S.A. ("Iberdrola"), a Spanish utility holding company whose shares are publicly traded on the Madrid Stock Exchange. The remaining 20% of Iberdrola Renewables' share capital is traded on the Spanish stock exchanges.

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.⁵ Consistent with the Commission's regulations, West Valley makes the following representations to certify that it will satisfy the requirements for EWG status:

1. West Valley 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."
2. West Valley 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 West Valley will lease the Facility to a public utility company or any other party once the existing lease with PacifiCorp expires on June 1, 2008.

⁵ See 18 C.F.R. §§ 366.7 and 366.1 (2007). 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.

5. West Valley currently is not an "affiliate" or an "associate company" of any "electric utility company" located in the United States, as those terms are defined in Section 366.1 of the Commission's regulations.⁶
6. No portion of the Facility will be owned or operated by an "electric utility company" that is an "affiliate" or "associate company" of West Valley.

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

IV. CONCLUSION

West Valley respectfully requests that the Commission accept this Notice of Self-Certification of EWG Status.

Respectfully submitted,



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*Licensed to practice in Maryland only; D.C. Bar Application pending. All work supervised by a member of the D.C. Bar.

Dated: April 14, 2008

⁶ On August 1, 2007, in FERC Docket No. EC07-122, Iberdrola, on behalf of itself and its public utility subsidiaries, and Energy East Corporation ("Energy East"), on behalf of itself and its public utility subsidiaries, filed an application pursuant to FPA Section 203 seeking the Commission's authorization for a merger transaction, whereby a direct, wholly-owned subsidiary of Iberdrola will merge with and into Energy East, with Energy East as the surviving entity (the "Energy East Merger"). FERC approved the Energy East Merger on December 6, 2007. See *Energy East Corporation*, 121 FERC ¶ 61,236 (2007). As a result of the Energy East Merger which has not yet been consummated, West Valley will become affiliated with Energy East.