

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
Renewable Power Direct, LLC  
Docket Nos. ER14-1135-000,  
ER14-1135-001,  
ER14-1135-002, and  
ER14-1135-003

April 24, 2014

Mr. Gregory C. Staple  
Chairman  
Renewable Power Direct, LLC  
1875 Connecticut Avenue, N.W.  
Suite 405  
Washington, D.C. 20009

Reference: Market-Based Rate Authorization

Dear Mr. Staple:

On January 22, 2014, as amended on March 4, 2014, March 31, 2014 and supplemented on April 16, 2014, you filed on behalf of Renewable Power Direct, LLC (Renewable Power Direct) an application for market-based rate authority with an accompanying tariff. The proposed market-based rate tariff provides for the sale of energy and capacity at market-based rates. Renewable Power Direct requests waivers commonly granted to similar market-based rate applicants.

Your filings were noticed on January 23, 2014, March 4, 2014, and March 31, 2014 with comments, protests or interventions due on or before February 12, 2014, March 25, 2014, and April 7, 2014. None was filed.

Pursuant to the authority delegated to the Director, Division of Electric Power Regulation - West, under 18 C.F.R. § 375.307, your submittals filed in the referenced dockets are accepted for filing, effective April 1, 2014, as requested. Based on your representations, Renewable Power Direct meets the criteria for a Category 1 seller in all regions and is so designated.<sup>1</sup>

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<sup>1</sup> *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and*

You state that Renewable Power Direct is located in Washington, D.C., and will act as a power marketer. You further represent that Renewable Power Direct is ultimately owned by the American Clean Skies Foundation, Inc., a non-profit corporation and is not affiliated with any entity that owns or controls generation or transmission facilities. Further, you affirmatively state that Renewable Power Direct has not erected barriers to entry and will not erect barriers to entry into the relevant markets.

You state that Renewable Power Direct meets all of the Category 1 seller criteria in all regions because it and its affiliates own or control less than 500 megawatts of generation in aggregate in each region, it is not affiliated with any entity that owns transmission facilities, it is not affiliated with any franchised public utilities, and it does not raise any other vertical market power issues.

### **Market-Based Rate Authorization**

The Commission allows power sales at market-based rates if the seller and its affiliates do not have, or have adequately mitigated, horizontal and vertical market power.<sup>2</sup>

Based on your representations, Renewable Power Direct's submittal satisfies the Commission's requirements for market-based rate authority regarding horizontal and vertical market power.

Based on your representations, Renewable Power Direct's submittal also satisfies the Commission's requirements for market-based rates regarding vertical market power.

Renewable Power Direct's request for waiver of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except for sections 35.12(a), 35.13(b), 35.15 and 35.16 is granted. Renewable Power Direct's request for waiver of Part 41 and Part 141 of the Commission's regulations concerning accounting and reporting requirements is granted with the exception of 18 C.F.R. §§ 141.14 and 141.15.<sup>3</sup> Renewable Power Direct's request for waiver of Part 101 of the

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*Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 848-50, *clarified*, 121 FERC ¶ 61,260 (2007), *order on reh'g*, Order No. 697-A, FERC Stats. & Regs. ¶ 31,268, *clarified*, 124 FERC ¶ 61,055, *order on reh'g*, Order No. 697-B, FERC Stats. & Regs. ¶ 31,285 (2008), *order on reh'g*, Order No. 697-C, FERC Stats. & Regs. ¶ 31,291 (2009), *order on reh'g*, Order No. 697-D, FERC Stats. & Regs. ¶ 31,305 (2010), *aff'd sub nom. Mont. Consumer Counsel v. FERC*, 659 F.3d 910 (9th Cir. 2011), *cert. denied*, 133 S. Ct. 26 (2012).

<sup>2</sup> Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 62, 399, 408, 440.

<sup>3</sup> *Citizens Energy Corp.*, 35 FERC ¶ 61,198 (1986); *Citizens Power and Light Corp.*, 48 FERC ¶ 61,210 (1989) (*Citizens Power*); *Enron Power Marketing, Inc.*, 65

Commission's regulations is hereby granted, with the exception that waiver of the provisions of Part 101 that apply to hydropower licensees is not granted with respect to licensed hydropower projects.<sup>4</sup> Notwithstanding the waiver of the accounting and reporting requirements here, Renewable Power Direct is expected to keep its accounting records in accordance with generally accepted accounting principles.

Renewable Power Direct requests blanket authorization under Part 34 of the Commission's regulations for all future issuances of securities and assumptions of liability. A separate notice was published in the Federal Register establishing a period during which protests could be filed. None was filed. Renewable Power Direct is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Renewable Power Direct, compatible with the public interest, and reasonably necessary or appropriate for such purposes.<sup>5</sup>

Renewable Power Direct must file electronically with the Commission Electric Quarterly Reports.<sup>6</sup> Renewable Power Direct further must timely report to the Commission any change in status that would reflect a departure from the characteristics

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FERC ¶ 61,305 (1993), *order on reh'g*, 66 FERC ¶ 61,244 (1994) (*Enron*).

<sup>4</sup> Hydropower licensees are required to comply with the requirements of the Uniform System of Accounts pursuant to 18 CFR Part 101 to the extent necessary to carry out their responsibilities under Part I of the Federal Power Act (FPA). We further note that a licensee's status as a market-based rate seller under Part II of the FPA does not exempt it from its accounting responsibilities as a licensee under Part I of the FPA. *See Seneca Gen., LLC*, 145 FERC ¶ 61,096, at P 23, n.20 (2013) (citing *Trafalgar Power, Inc.*, 87 FERC ¶ 61,207, at 61,798 (1999) (noting that "all licensees are required to comply with the requirements of the Uniform System of Accounts to the extent necessary to carry out their responsibilities under [s]ections 4(b), 10(d) and 14 of the FPA")).

<sup>5</sup> *Citizens Power*, 48 FERC ¶ 61,210; *Enron*, 65 FERC ¶ 61,305.

<sup>6</sup> *Revised Public Utility Filing Requirements*, Order No. 2001, FERC Stats. & Regs. ¶ 31,127, *reh'g denied*, Order No. 2001-A, 100 FERC ¶ 61,074, *reh'g denied*, Order No. 2001-B, 100 FERC ¶ 61,342, *order directing filing*, Order No. 2001-C, 101 FERC ¶ 61,314 (2002), *order directing filing*, Order No. 2001-D, 102 FERC ¶ 61,334 (2003). Attachments B and C of Order No. 2001 describe the required data sets for contractual and transaction information. Public utilities must submit Electric Quarterly Reports to the Commission using the EQR Submission System Software, which may be downloaded from the Commission's website at <http://www.ferc.gov/docs-filing/eqr.asp>.

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the Commission relied upon in granting market-based rate authority in accordance with Order No. 697.<sup>7</sup>

This action does not constitute approval of any service, rate, charge, classification, or any rule, regulation, or practice affecting such rate or service provided for in the filed documents; nor shall such action be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against any of the applicant(s).

This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R § 385.713.

Questions regarding the above order should be directed to:

Federal Energy Regulatory Commission  
Attn: Melissa Lozano  
Phone: (202) 502-6267  
Office of Energy Market Regulation  
888 First Street, N.E.  
Washington, D.C. 20426

Sincerely,

Steve P. Rodgers, Director  
Division of Electric Power  
Regulation - West

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<sup>7</sup> Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 1015-1046; 18 C.F.R. § 35.42 (2013). *See also Reporting Requirement for Changes in Status for Public Utilities with Market-Based Rate Authority*, Order No. 652, FERC Stats. & Regs. ¶ 31,175, *order on reh'g*, 111 FERC ¶ 61,413 (2005).