

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:
EDF Energy Services, LLC
Docket No. ER15-1884-000

July 23, 2015

Mr. Kenneth W. Irvin
Counsel for EDF Energy Services, LLC
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005

Reference: Request for Category 1 Status

Dear Mr. Irvin:

On June 5, 2015, you filed on behalf of EDF Energy Services, LLC (EDF Energy Services) a request for Category 1 seller status representing that EDF Energy Services meets the criteria for Category 1 seller status in the Central region. You state that in the Central region EDF Energy Services and its affiliates do not own, operate, or control more than 500 megawatts of generation; do not own, operate, or control any transmission facilities; are not affiliated with a franchised public utility; and do not present any other vertical market power concerns. You also filed a revised market-based rate tariff to incorporate the required provisions adopted by the Commission in compliance with Order Nos. 697¹ and 697-A.²

Your filing was noticed on June 8, 2015, with comments, protests or interventions

¹ *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, FERC Stats. & Regs. ¶ 31,252, at PP 914-16, *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).

² Order No. 697-A, FERC Stats. & Regs. ¶ 31,268 at PP 384 and 391.

due on or before June 26, 2015. 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 submittal filed in the referenced docket is accepted for filing, effective June 9, 2015, as requested. Based on your representations, EDF Energy Services meets the criteria for a Category 1 seller in the Central region and is so designated.³

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 EDF Energy Services.

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.

³ Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 848-50. EDF Energy Services must file an updated market power analysis for each region in which it is designated as a Category 2 seller in compliance with the regional reporting schedule adopted in Order No. 697.

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