

FEDERAL ENERGY REGULATORY COMMISSION  
Washington, D.C. 20426

OFFICE OF ENERGY MARKET REGULATION

	In Reply Refer To:
EDF Industrial Power Services (NY), LLC	Docket Nos. ER15-1888-000
EDF Industrial Power Services (IL), LLC	ER15-1887-000
EDF Industrial Power Services (CA), LLC	ER15-1886-000
EDF Industrial Power Services (OH), LLC	ER15-1888-000
EDF Trading North America, LLC (collectively, EDF Companies)	ER15-1885-000

July 23, 2015

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

Reference: Request for Category 1 Status and Tariff Revisions

Dear Mr. Irvin:

On June 8, 2015, as supplemented on July 8, 2015, you filed on behalf of EDF Companies requests for Category 1 seller status representing that EDF Companies meet the criteria for Category 1 seller status in the Central region. You state that in the Central region EDF Companies and their 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 revised market-based rate tariffs to incorporate the required provisions adopted by the Commission in compliance with Order Nos. 697<sup>1</sup> and

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<sup>1</sup> *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).

697-A.<sup>2</sup> Further, the revised market-based rate tariffs provide for the sale of ancillary services at market-based rates<sup>3</sup> and minor administrative changes.

Your filing was noticed on June 8, 2015, with comments, protests or interventions 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 submittals filed in the referenced dockets are accepted for filing, effective June 9, 2015, as requested.<sup>4</sup> Based on your representations, EDF Companies meet the criteria for Category 1 sellers in the Central region and are so designated.<sup>5</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 EDF Companies.

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.

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

<sup>3</sup> EDF Companies request authorization to sell ancillary services in the market administered by Southwest Power Pool, Inc. and authorization to engage in the sale of certain ancillary services as third-party providers in other markets.

<sup>4</sup> We note that EDF Companies are not being granted authority to make third-party sales of operating reserves to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers. If EDF Companies seek such authority, they must make the required showing and receive Commission authorization prior to making such sales. *See Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies*, Order No. 784, FERC Stats. & Regs. ¶ 31,349, at PP 200-202 (2013), *order on clarification*, Order No. 784-A, 146 FERC ¶ 61,114 (2014).

<sup>5</sup> Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 848-50. EDF Companies must file an updated market power analysis for each region in which they are 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