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April 23, 2020

North Carolina Utility Commission  
Chief Clerks Office  
4325 Mail Service Center  
Raleigh, NC 29699

EMP-103 Sub 0  
SP-6476 Sub 0

Dear Sir/Madam:

Please find enclosed a copy of the Motion to Provide Notice of Change in Material Facts Related to Self-Certification as an Exempt Wholesale Generator, which was filed in FERC Docket No. EG20-104-000 on April 23, 2020.

Please do not hesitate to contact me with any questions, thank you.

Sincerely,

*/s/ Steven Shparber*

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Steven Shparber  
Counsel to Albemarle Beach Solar, LLC

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

Albemarle Beach Solar, LLC

)

Docket No. EG20-104-000

**MOTION TO PROVIDE NOTICE OF CHANGE IN MATERIAL FACTS  
RELATED TO SELF-CERTIFICATION AS AN  
EXEMPT WHOLESALE GENERATOR**

Pursuant to Sections 212 and 366.7(c)(2) of the regulations of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. §§ 212, 366.7(c)(2) (2019), Albemarle Beach Solar, LLC (“Applicant”), hereby submits this motion to provide notice of change in material facts (the “Notice”) to the notice of self-certification as an exempt wholesale generator (“EWG”) filed by Applicant on March 18, 2020 (the “Self-Certification”).<sup>1</sup> Applicant affirmatively states that the changes in facts outlined in this Notice do not affect Applicant’s status as an EWG, as described further below.

**I. DESCRIPTION OF CHANGES IN FACTS**

Applicant submits this Notice in order to inform the Commission of two changes in material facts from what was originally described in the Self-Certification. First, in the Self-Certification, Applicant was erroneously described as a “North Carolina corporation,”<sup>2</sup> however, Applicant is in fact a North Carolina limited liability company. Second, in the Self-Certification, Applicant’s upstream ownership structure was described in the following manner:

Applicant is owned 1% by AB Manager, LLC which has managerial control of Applicant. AB Manager, LLC is a direct, wholly-owned subsidiary of SE1 Generation 2, LLC which, in turn, is a direct, wholly-owned subsidiary of SE1 Power, LLC, a North Carolina based company that specializes in the development

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<sup>1</sup> Notice of Self-Certification as an Exempt Wholesale Generator of Albemarle Beach Solar, LLC, Docket No. EG20-104-000 (March 18, 2020).

<sup>2</sup> Self-Certification at 1.

and ownership of utility-scale solar infrastructure. An individual, Kenny Habul, owns 100% of SE1 Power, LLC.<sup>3</sup>

Applicant's upstream ownership structure has been changed since the Self-Certification was submitted. Applicant is now owned 100% by AB Owner, LLC which has managerial control of Applicant. AB Owner, LLC is a direct, wholly-owned subsidiary of AB Manager, LLC, which, in turn, is a direct, wholly-owned subsidiary of SE1 Generation 2, LLC, which, in turn, is a direct, wholly-owned subsidiary of SE1 Power, LLC, a North Carolina-based company that specializes in the development and ownership of utility-scale solar infrastructure. An individual, Kenny Habul, owns 100% of SE1 Power, LLC.

## **II. THE CHANGES IN FACTS DO NOT AFFECT APPLICANT'S STATUS AS AN EWG**

Importantly, the changes in facts described herein do not affect Applicant's status as an EWG. As described in the Self-Certification, Applicant is still a single-purpose entity established for the purpose of developing, owning and operating an eighty (80) megawatt ("MW") (AC) solar-powered generator and associated interconnection facilities situated in Washington County, North Carolina (the "Facility").<sup>4</sup> Moreover, Applicant will still own and operate the Facility, which is located in the PJM Interconnection, L.L.C. ("PJM") Balancing Authority Area ("BAA"), and all of the Facility's electric output will be sold at wholesale within the PJM BAA.<sup>5</sup> Further, as described in the Self-Certification, there are no changes related to the incidental activities that Applicant may engage in, and that the Commission has found to be permissible EWG activities.<sup>6</sup>

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> *See id.*

<sup>5</sup> *See id.*

<sup>6</sup> *See id.* at 3-4.

Last, there are no changes to the information that was provided by Applicant in the Self-Certification required by the Commission's regulations<sup>7</sup> for self-certification of EWG status.<sup>8</sup>

For the foregoing reasons, despite the changes in facts noted previously, such changes do not affect Applicant's status as an EWG.

### III. CONCLUSION

Applicant respectfully requests that the Commission accept this Notice. Further, based on the foregoing facts, statements, and representations, Applicant continues to satisfy the Commission's requirements for EWG status.<sup>9</sup>

Respectfully submitted,

/s/ Steven Shparber

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April 23, 2020

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<sup>7</sup> See 18 C.F.R. § 366.1 (2019), *citing* Section 32 of the *Public Utility Holding Company Act of 1935*, 15 U.S.C. § 79z-5a.

<sup>8</sup> See Self-Certification at 4.

<sup>9</sup> While not explicitly required by Section 366.7(c) of the Commission's regulations, a copy of this Notice has been served on the North Carolina Utilities Commission, the state regulatory authority of the state in which the Facility is located.

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this pleading has been served this day upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated in Washington, D.C. this 23<sup>rd</sup> day of April, 2020

*/s/ Steven Shparber*

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Steven Shparber